



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

February 24, 2003

RECEIVED

FEB 25 2003

AIR QUALITY DIV.

CERTIFIED LETTER – 7002-0860-0005-5728-6286  
RETURN RECEIPT REQUESTED

Mr. Rogelio Leonardo, Plant Manager  
CEMEX  
16000 Bells Bay Road  
P.O Box 367  
Charlevoix, Michigan 49720

Dear: Mr. Leonardo:

SUBJECT: SRN B1559, Charlevoix County

**LETTER OF VIOLATION**

On January 27, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received your semi-annual report, as required by 40 CFR 63.1354(b)(9); the Portland Cement MACT (PC MACT). The following table contains the air pollution violations of the PC MACT that were contained in this report.

Process Description	Permit/Condition Violated	Comments
Daily visible emission readings that are to be performed on the Finish Mills	40 CFR 63.1350(e) – Which is stated below the table.	The required daily visible emission readings on the Finish Mills were not performed on July 2, 24, & 30; August 21, 22, 23, 24, 25, & 26; September 6, 10, 25, 29, & 30; October 3, 4, & 7; November 7, 8, 11, & 19; December 11, 21, 24, & 25. All these missed readings were included in the information covered in the semi-annual compliance certification report.
Temperatures limits based upon the dioxins and furans (D/F) testing were exceeded.	40 CFR 63.1344(a) & 40 CFR 63.1344(b), which are stated below the table.	The temperature limits for the exhaust of the D/F limits on Main Stack were exceeded 11.74% of the operating time during July through December 2002.

February 24, 2003

**40 CFR 63.1350(e):**

"The owner or operator of a raw mill or finish mill shall monitor opacity by conducting daily visible emission observations of the mill sweep and air separator PMCDs of these affected sources, in accordance with the procedures of Method 22 of appendix A of part 60 of this chapter. The Method 22 test shall be conducted while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day. The duration of the Method 22 test shall be six minutes...."

**40 CFR 63.1344(a):**

"The owner or operator to a D/F emission limitation under §63.1343 must operate the kiln particulate matter control device (PMCD)... does not exceed the applicable temperature limit specified in paragraph (b) of this section. The owner or operator of an inline kiln/raw mill subject to a D/F emission limitation under §63.1343 must operate the in-line kiln/raw mill such that:

(1) When the raw mill of the inline kiln/raw mill is operating, the applicable temperature limit for the main inline kiln/raw mill exhaust, specified in paragraph (b) of this section established during the performance test when the raw mill was operating is not exceeded.

(2) When the raw mill of the inline kiln/raw mill is not operating, the applicable temperature limit for the main inline kiln/raw mill exhaust, specified in paragraph (b) of this section and established during the performance test when the raw mill was not operating, is not exceeded."

**40 CFR 63.1344(b):**

"The temperature limit for affected sources meeting the limits of paragraph (a) of this section or paragraphs (a)(1) through (a)(3) of this section is determined in accordance with §63.1349(b)(3)(iv)."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Federal NESHAPS for the Portland Cement Manufacturing Industry (40 CFR 63.1350(e), 40 CFR 63.1344(a), 40 CFR 63.1344(b)) by March 14, 2003. At a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

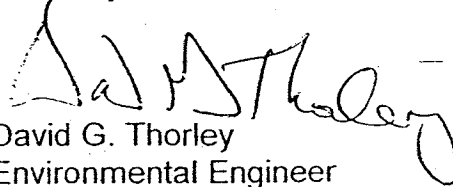
Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Mr. Rogelio Leonardo, Plant Manager 3  
CEMEX, Inc.

February 24, 2003

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,



David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt:daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Shanley, Acting Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

November 12, 2002

RECEIVED

NOV 14 2002

CERTIFIED LETTER – 7002-0860-0005-5728-5388  
RETURN RECEIPT REQUESTED

AIR QUALITY DIV.

Mr. Rogelio Leonardo, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear Mr. Leonardo:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

On October 27-29, 2002, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions your Air Use Permits to Install (PTI) Nos. 61-86, 128-85, 426-97, 574-85, 700-77A and 701-86, Consent Judgment No. 96-438-18-CE, and 40 CFR 63.1340 – 63.1358 (PC MACT Subpart LLL). During my inspection I observed the following air pollution violations:

**Process Description  
Comments**

**Permit/Condition Violated**

A-Frame storage building enclosure	PTI No. 700-77A, Special Condition No. 12, which states, "Visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity."  40 CFR 63.1348, which also has a 10% opacity limit.	6-minute visible emission readings were conducted on October 27, 2002, which resulted in opacities of 19.0%, 12.5%, 24.2%, 18.8%, and 21.7%.
North Conditioning Tower (NCT) enclosure	PTI No. 700-77A, Special Condition No. 12, and	6-minute visible emission readings were conducted



	40 CFR 63.1348, both which have 10% opacity limit.	on October 29, 2002, which resulted in opacities of 23.3% and 20.0%
Bottom of the #2 Clinker storage Dome	PTI No. 700-77A, Special Condition No. 12, and 40 CFR 63.1348, both which have 10% opacity limit.	6-minute visible emission reading was conducted on October 29, 2002, which resulted in opacity of 15.8%. The opacity was read from the bottom of the clinker domes where there is no metal covering the structure. The wind is allowed to blow through the structure, and picks up dust that is carried into the outer air.
Vacuum truck disposal of collected air contaminants in an open and exposed area.	Rule 370	Vacuum truck disposed of collected air contaminants in an outside location nearly between the two clinker domes. When the vacuum truck dumped its contents, so much dust was created, that the truck could barely be seen through the dust cloud it created. Additionally, the exposed pile allowed the dust to be introduced into the outer air by the wind that was blowing across the pile.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with 40 CFR 63.1348, Rule 370 and your PTI No. 700-77A, to be received by the DEQ, AQD, Gaylord Field Office by November 29, 2002. At a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

November 12, 2002

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

Enclosures

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

November 12, 2002

CERTIFIED LETTER – 7002-0860-0005-5728-5371  
RETURN RECEIPT REQUESTED

Mr. Rogelio Leonardo, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear Mr. Leonardo:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

On October 28 and October 29, 2002, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions your Air Use Permits to Install (PTI) Nos. 61-86 and 700-77A, Consent Order No. 5-1986, Consent Judgment No. 96-438-18-CE, and 40 CFR 63.1340 – 63.1358 (PC MACT Subpart LLL).

During the inspection, two 6-minute visible emission readings were performed on each day on the conveyor that connects the tops of the two clinker domes. These readings resulted in opacities of 54.0% and 52.3% on October 28, 2002 and 50.2% and 42.3% on October 29, 2002. I have seen problems with this conveyor on previous inspections, but was never able to perform a Method 9 visible emission reading on it because of the sun position. The conveyor between the two clinker domes is supposed to be controlled by a baghouse that was installed per Consent Order, APC No. 5-1986. During an earlier inspection on October 8, 2002, I was informed that the baghouse controlling this conveyor has not been operated in 10 years.

Consent Order APC No. 5-1986, Paragraph (A)(5) specifically requires that the clinker dome dust collector system to be operated in compliance with PTI No. 61-86. This consent order is still in effect and Paragraph (A)(5) states the following:

"On the 30<sup>th</sup> day after spring 1987 startup, and thereafter, the equipment shall be installed and operated in accordance with the requirements of PTI No. 61-86."

Special Condition No. 15 of PTI No. 61-86 states the following:

"On and after the 30<sup>th</sup> day after spring startup, 1987, and thereafter, visible emissions from the clinker conveyor belt transfer points and the fabric filter shall not exceed 10 percent opacity."

Additionally, Special Condition No. 17 states the following:

"On and after the 30<sup>th</sup> day after spring startup, 1987, and thereafter, applicant shall not operate the clinker conveyors unless the two air knives, and their hooding and ductwork, and fabric filter are installed and operating properly."

40 CFR 63.1348 also has a 10 percent opacity limit for this equipment. It states the following:

"The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system; and each existing raw material dryer at a facility which is a major source subject to the provisions of this subpart shall not cause to be discharged any gases from these affected sources which exhibit opacity in excess of ten percent."

As stated above, the visible emission readings that were performed were all above 10% opacity and are therefore in violation of PTI No. 60-86, Special Condition No. 15; Consent Order APC No. 5-1986, Paragraph (A)(5); and 40 CFR 63.1348. CEMEX is also in violation of both the Consent Order APC No. 5-1986 Paragraph (A)(5) and the PTI No. 60-86, Special Condition No. 17, because the baghouse that is required to be controlling the clinker conveyor is not operating, and has not operated for several years according to plant personnel.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your PTI No. 61-86, 40 CFR 63.1348, and Consent Order APC No. 5-1986, to be received by the DEQ, AQD Gaylord Field Office by November 27, 2002. At a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

Enclosures

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

October 18, 2002

CERTIFIED LETTER – 7002-0860-0005-5728-5470  
RETURN RECEIPT REQUESTED

Mr. Rogelio Leonardo, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear Mr. Leonardo:

SUBJECT: SRN: B1559, Charlevoix County

**RECEIVED**

**OCT 21 2002**

**AIR QUALITY DIV.**

**LETTER OF VIOLATION**

On October 8, 2002, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to discuss visible emission points for the PC MACT and to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions your Air Use Permit to Install Nos. 700-77A, 128-85, 574-85, 61-86, 701-86, 426-97, Consent Judgment No. 96-438-18-CE, and 40 CFR 63.1340 – 63.1358 (PC MACT, Subpart LLL). During my inspection I observed the following air pollution violations:

Process Description	Permit/Condition Violated	Comments
The screw under the heat exchanger, which is part of the g-cooler system. The system was plugged, so the clinker dust was forced to the ground. The vacuum truck was not used for the cleanup of the process spill or to unplug the system.	Permit 700-77A, Special Condition 12 and 40 CFR 60.1348, both having a 10 percent opacity limit.	One 6-minute Method 9 reading was performed, resulting in opacity of 49.0 percent.
	Permit 700-77A, Special Condition No. 26, which requires strict conformance with the fugitive dust control program.	The Fugitive Dust Control Program requires the use of a vacuum truck for the clean up a process spill and for general housekeeping.
	Fugitive dust control program, Condition No. 2, which	

	requires the use of a vacuum truck.	
Transfer point where the #8 screw drops onto the M-90 belt.	Permit 700-77A, Special Condition 12 and 40 CFR 60.1348, both having a 10 percent opacity limit.	Two 6-minute Method 9 opacity readings were performed resulting in opacity of 35.2 and 32.1 percent.
Dust Collector (DC) #855D	<p>Rule 910 – An air cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with these rules and existing law.</p> <p>Rule 370 – Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.</p>	When the dust collector would pulse, it would discharge the collected air contaminants out the stack.
The portable equipment (clinker screen) used to screen "off-spec" clinker	Rule 201, which states: "A person shall not install, construct, reconstruct, relocate, alter, or modify any process or process equipment, including control equipment pertaining thereto, which may emit an air contaminant, unless a Permit to Install which authorizes such action is issued by the DEQ."	The screen was inside the clinker domes, but it is still not a permitted use.

Additionally, the transfer point where the #8 screw drops onto the M-90 belt was cited for the same violation from a June 25, 2002 inspection, in a letter of violation dated August 6, 2002. This problem needs to be addressed in a manner that will prevent future occurrences of this violation from happening.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rules 201, 370 and 910; Permit to Install No. 700-77A; the fugitive dust control program, and 40 CFR 60.1348 by October 30, 2002. At a minimum, this report should explain the causes of

the violations, remedial action taken what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place. We have not received an Air Use Permit Application for the off-spec clinker screen in violation of Rule 201. Your program for compliance should include a completed Air Use Permit Application for the off-spec clinker screen process equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ





JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

October 18, 2002

CERTIFIED LETTER – 7002-0860-0005-5728-5203  
RETURN RECEIPT REQUESTED

COPY

Mr. Rogelio Leonardo, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear Mr. Leonardo:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

On August 6, 2002, CEMEX, Inc. (CEMEX) conducted total suspended particulate (TSP) emission testing on the bypass and main stacks at its Charlevoix plant. The Department of Environmental Quality (DEQ), Air Quality Division (AQD) staff, Mr. Tom Maza, was present to observe the testing. The testing results were received by the AQD on September 23, 2002. This letter is in regards to these results.

Based upon the information provided from CEMEX, the average TSP emissions for August 6, 2002 was 2.41 pounds of particulate per ton of dry feed. This daily average was due in part to Run #2's TSP of 6.90 pounds of particulate per ton of dry feed. The limit as provided by both Permit to Install No. 700-77A and 40 CFR 63.1343 is 0.30 pounds of particulate per ton of feed. The reported test results show that CEMEX was in violation of the particulate limit. Please note that similar results were recorded during the 2001 TSP testing.

You should immediately initiate necessary actions to correct the cited violation. Additionally, please submit a report of your program for compliance with your Permit to Install No. 700-77A, Special Condition No. 13 and 40 CFR 63.1343 by November 7, 2002. At a minimum, this report should explain the causes of the violations, remedial action taken what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violation is ongoing. If the violation is not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

October 18, 2002

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violation cited above. If you have any questions regarding the violation or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JOHN ENGLER  
GOVERNOR

DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

August 28, 2002

CERTIFIED LETTER – 7002 0860 0005 5727 6799  
RETURN RECEIPT REQUESTED

Mr. Rogelio Leonardo, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, Michigan 49720

Dear Mr. Leonardo:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

On August 20, 2002, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an off-site inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of the Federal Clean Air Act; Article II, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451), and the administrative rules; the conditions of your Air Use Permit to Install No. 700-77A and § 63.1340, Subpart LLL-National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (PC MACT). During my inspection, I observed the following air pollution violation:

Process Description	Permit/Condition Violated	Comments
Top of cement storage silos	Permit No. 700-77A, Special Condition No. 12 and 40 CFR 63.1348, both of which have a 10% opacity limit.	Eight 6-minute visible emission readings were performed (copies enclosed) with the following results: 77.1%, 70.8%, 72.3%, 59.2%, 68.5%, 72.9%, 73.5%, and 44.8%.

You should immediately initiate necessary actions to correct the cited violation. Additionally, please submit a report of your program for compliance with your Permit to Install No. 700-77A and 40 CFR 63.1348 by September 18, 2002. At a minimum, this report should explain the causes of the violation, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violation including whether the violation is ongoing. If the violation is not resolved by the date of your response, describe what equipment you will install, procedures you will

August 28, 2002

implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violation or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

Enclosures

cc: Ms. Janis Denman, DEQ  
Mr. Gerald Avery, DEQ  
Mr. Timothy McGarry, DEQ  
Ms. Kim Armbruster, DEQ  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.



JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

August 6, 2002

CERTIFIED LETTER – 7002-0860-0005-5727-6652  
RETURN RECEIPT REQUESTED

RECEIVED

AUG 07 2002

AIR QUALITY DIV.

Mr. Rogelio Leonardo, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear Mr. Leonardo:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

On June 25, 2002, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of the Federal Clean Air Act; Article II, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the administrative rules; the conditions your Air Use Permit to Install numbers, 700-77A, 128-85, 574-85, 61-86, 701-86, 426-97, Consent Order APC No. 4-1994, Consent Judgment No. 96-438-18-CE, and the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry – Subpart LLL (PC MACT). During my inspection I observed the following air pollution violations:

Process Description	Rule/Permit Condition Violated	Comments
Raw mill and Finish Mill –daily Method 22 visible emission tests and the records of these tests.	40 CFR 63.1350(e) – “the owner or operator of a raw mill or finish mill shall monitor opacity by conducting daily visual emission observations of the mill sweep and air separator PMCDs of these affected sources, in accordance with the procedures of Method 22 of Appendix A of part 60 of this chapter. The Method 22 test shall be conducted while the affected source is operating at the highest load or capacity level	When the AQD asked to see the results of these required daily Method 22 visible emissions tests, they were informed that the records of the tests performed to that point were unavailable to the AQD inspector as required by 40 CFR 63.1355(a).  Additionally, the AQD was informed that all the required daily Method 22 visible emission tests had not been

	<p>reasonably expected to occur within the day. The duration of the Method 22 test shall be six minutes..."</p> <p>40 CFR 63.1355(a) – "The owner or operator shall maintain files of all information (including all reports and notifications) required by this section recorded in a form suitable and readily available for inspection and review as required by § 63.10(b)(1). The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report or record..."</p>	<p>performed as required by 40 CFR 63.1350(e).</p>
North Conditioning Tower (NCT) enclosure	<p>Permit 700-77A, Special Condition No. 12 – Visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity.</p> <p>40 CFR 60.1348 – The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system; and each existing raw material dryer, at a facility which is a major source subject to the provisions of this subpart shall not cause to discharged any gases from these affected sources which exhibit opacity in excess of ten percent.</p> <p>Rule 370 – Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to</p>	<p>Two 6-minute Method 9 visible emission readings were performed. The readings resulted in opacities of 18.8% and 18.3%, both above the 10% opacity limit.</p> <p>The emissions from the NCT are collected air contaminants and they were being reintroduced into the outer air.</p>

	minimize the introduction of contaminants to the outer air.	
The transfer point where the number 8 screw drops onto M-90 belt.	Permit 700-77A, Special Condition No. 12 and 40 CFR 60.1348, both of which are stated above.	Two 6-minute Method 9 visible emission readings were performed. The readings resulted in opacities of 36.9% and 33.3%, both above the 10% opacity limit.
Clinker silo storage	Permit 700-77A, Special Condition No. 12 and 40 CFR 60.1348, both of which are stated above.	A 6-minute Method 9 visible emission reading was performed. The reading resulted in an opacity of 21.3%, which is above the 10% opacity limit.
Equipment (screen) used to screen "off-spec" clinker.	Rule 201(1) – A person shall not construct, reconstruct, relocate, alter, or modify any process or process equipment, including control equipment pertaining thereto, which may emit an air contaminant, unless a permit to install which authorizes such action is issued by the department...	This screen was found in the area outside the clinker domes. There is no permit exemption for operating this screen outside the clinker domes.

The cited violation of Special Condition No. 12 of Permit to Install No. 700-77A is enforceable as Paragraph 8A of Consent Order, AQD No. 4-1994. Paragraph 8A requires that "... the Company shall fully comply with the Special Condition Nos. 11 through 14, inclusive, 16, 18-27, inclusive, of Permit to Operate No. 700-77A, ..."

The cited violation of Rule 201 is enforceable as Paragraph 13 of Consent Order, AQD No. 4-1994. Paragraph 13 requires the following:

"On and after May 30, 1994, except as may be provided by Rule 285 (MAC 1992 AAC 336.1285), the company shall not install, construct, reconstruct, relocate, alter or modify any process, fuel burning, or refuse-burning equipment or control equipment pertaining thereto, which is required to have a permit pursuant to Rule 201 without first having been issued a permit or other approval by the Director or AQD Chief."

The DEQ staff will make a determination of the appropriateness of stipulated penalties after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated penalties to be assessed.

Your program for compliance should include a completed air use permit application for the screen used to screen the "off-spec" clinker. Enclosed is an Air Use Permit Application form for your use.

Be advised that Rule 201 requires that an air use permit be obtained prior to installation, construction, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant. The AQD may initiate appropriate enforcement action for your unpermitted installation and operation of this process equipment. Furthermore, continued operation of unpermitted equipment is not authorized.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rule 201 and 370; your Permit No. 700-77A; and violations of the PC MACT, specifically 40 CFR 60.1348, 40 CFR 63.1350(e), and 40 CFR 63.1355(a) to be received by the AQD by August 19, 2002. At a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

Enclosures: Visible Emission Observation Form for Method 9 Visible Emissions Test  
Air Use Permit Application

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
~~Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ~~  
Ms. Janis Denman, District Supervisor, DEQ





STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



JOHN ENGLER  
GOVERNOR

RECEIVED

RUSSELL J. HARDING  
DIRECTOR

July 1, 2002

JUL 02 2002

AIR QUALITY DIV.

CERTIFIED LETTER – 7002-0460-0000-0883-7962  
RETURN RECEIPT REQUESTED

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear: Mr. Sandberg:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

On June 6, 2002, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions your Air Use Permit to Install Nos. 61-86, 128-85, 426-97, 574-85, 700-77A, 701-86, Consent Order APC No. 4-1994, Consent Judgment No. 96-438-18-CE, and 40 CFR 60.62 (NSPS Subpart F). During my inspection I observed the following air pollution violations:

Process Description	Permit/Condition Violated	Comments
Secondary Crusher baghouse which is the means to control emissions from the crusher.	Rule 910 – An air cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with these rules and existing law.	There were excess opacity emissions from the secondary crusher baghouse. These emissions are not present when the baghouse is being maintained and operated properly.
The collected air contaminants from the gravel bed filter were being discharged through the chutes to an unprotected location.	Rule 910 – An air cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with these rules and existing law.  Rule 370 – Collected air contaminants shall be removed	The collected clinker fines were being discharged from the gravel bed filter. The fines were introduced into the outer air. Part of the dust was hitting the ground from the chutes and then began to rise into the air. Another portion of the dust never

	as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.	made it to the ground, because it began to rise into the air before getting a chance to hit the ground.
The South Conditioning Tower (SCT) enclosure.	<p>Permit 700-77A, Special Condition No. 12 – Visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity.</p> <p>NSPS Subpart F, specifically 40 CFR 60.62(c) - ... no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater.</p> <p>Rule 370 – Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.</p>	<p>Two 6-minute, Method 9 readings were performed on the emissions being discharged from the SCT enclosure. The resulting opacities were 37.1% and 35.0%. Both of these 6-minute averages are above the allowed 10% opacity limit.</p> <p>The emissions from the SCT are collected air contaminants and they were being reintroduced into the outer air.</p>

The cited special condition No. 12 of Permit to Install No. 700-77A is enforceable as paragraph 8A of Consent Order, AQD No. 4-1994. Paragraph 8A requires that "... the Company shall fully comply with the condition numbers 11 through 14, inclusive, 16, 18-27, inclusive, of Permit to Operate No. 700-77A, ..."

The DEQ staff will make a determination of the appropriateness of stipulated penalties after review of the requested response and corrective action below. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated penalties to be assessed.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rules 910 and 370, your Permit No. 700-77A, and NSPS Subpart F by July 18, 2002. At a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations, including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be aware that state and federal air pollution regulations prohibit your company from obtaining any new air use permits for major offset sources located in Michigan until the cited violations are corrected or until you have entered into a legally enforceable order or judgment specifying an acceptable program and schedule for compliance.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

Enclosure: Visible Emission Observation Form for Method 9 Visible Emissions Test

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ ✓  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

RECEIVED

JUN 25 2002

AIR QUALITY DIV.

June 24, 2002

CERTIFIED LETTER – 7002-0460-0000-0883-7856  
RETURN RECEIPT REQUESTED

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear: Mr. Sandberg:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

This letter is in regards to the May 2002 opacity reports that the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received on June 7, 2002. The enclosed excess emission report for the Bypass Stack was reported to be 7.07 percent. This is a violation of your Consent Order AQD No. 4-1994, as revised, Paragraphs 8(D)(1) and 8(D)(2), which states:

Paragraph 8(D)(1) – "...the visible emissions from the cement kiln and ESP shall be no more than twenty percent (20%) opacity for a minimum of ninety five percent (95%) of the kiln operating time per reporting period, as determined by continuous monitoring of visible emissions as specified in paragraph 9 of this order..."

Paragraph 8(D)(2) – "...The excess emission percentage for a reporting period shall not be greater than five percent (5%). The reporting period shall be one calendar month..."

This is a violation of Paragraph 8(D)(1) because the main stack was in compliance with the opacity limit of 20 percent for only 92.93 percent ( $100\% - 7.07\% = 92.93\%$ ) of the operating time. 92.93 percent is less than the required 95 percent of the time. Additionally, Paragraph 8(D)(2) was in violation because the excess emission percentage was greater than five percent of the operating time for the month of May 2002.

The DEQ staff will make a determination of the appropriateness of stipulated penalties. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated penalties to be assessed.

You should immediately initiate necessary actions to correct the cited violation. Additionally, please submit a report of your program for compliance with Consent Order AQD No. 4-1994 by July 8, 2002. At a minimum, this report should explain the causes of the violation, remedial action taken what steps are being taken to prevent a reoccurrence, and the duration of the violation including whether the violation is ongoing.

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.

2

June 24, 2002

If the violation is not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

The AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations. If you have any questions regarding the violation, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa  
Enclosure

cc: Ms. Michele Buckler, CEMEX, Inc.  
Mr. Dan Heintz, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ ✓  
~~Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ~~  
Ms. Janis Denman, Cadillac District Supervisor, DEQ



JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

May 31, 2002

CERTIFIED LETTER - 7001-1140-0002-1259-1145  
RETURN RECEIPT REQUESTED

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, MI 49720

FILE

Dear: Mr. Sandberg

SUBJECT: SRN B1559, Charlevoix County

**LETTER OF VIOLATION**

This letter is in regards to a violation of Permit No. 700-77A, Special Condition No. 24 and 25, which require written reports from CEMEX, Inc., which have not been received by the Department of Environmental Quality (DEQ), Air Quality Division (AQD).

Special Condition No. 24 states:

"Applicant shall report monthly to the District Supervisor all repairs initiated as a result of inspections pursuant to Paragraphs 1, 7, 8, 9, 14, and 15 of Appendix C."

The February 2002 monthly report, which was received in March 2002, was the most recent report required by Special Condition No. 24. The monthly reports for March and April have not been received and therefore are in violation.

Special Condition No. 25 states:

"Applicant shall report annually to the District Supervisor, by March 1, all repairs initiated as a result of the inspections pursuant to Paragraph 10 of Appendix C."

The annual report due March 1, 2002 has not been received, and therefore is a violation. The AQD realizes the annual shutdown which used to take place in February, requiring a March 1 deadline was late. This year (2002), the annual shutdown took place in April, not allowing for the March 1 deadline to be met. The annual report should, however, have been submitted by May 1, which is consistent with the intended timeline in Special Condition No 25 of Permit No. 700-77A. At the time of this letter, no annual report has been received by the District Supervisor that contained a list of all repairs initiated as a result of the inspections pursuant to Paragraph 10 of Appendix C. Therefore, a violation has occurred.



The cited Special Conditions No.24 and 25 of Permit No. 700-77A are enforceable as Paragraph 8A of Consent Order, AQD No. 4-1994. Paragraph 8A requires that:

"On and after May 30, 1994, the Company shall fully comply with the conditions Nos. 11 through 14, inclusive, 16, and 18-27, inclusive, of Permit to Operate No. 700-77A, ..."

The cited Special Conditions No.24 and 25 of Permit No. 700-77A are enforceable as Paragraph 6(b) of Consent Judgment No. 96-438-18-CE. Paragraph 6(b) requires that:

"... Permit to Operate No. 700-77A is incorporated by reference and made an enforceable part of this Consent Judgment with the exception of the conditions which regard opacity (Permit No. 700-77A, Conditions 11, 12, 18, and 19) which are enforced under the Stipulation for Entry of Final Order by Consent and Final Order AQD No. 4-1194."

The DEQ staff will make a determination of the appropriateness of stipulated penalties after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated penalties to be assessed.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A by June 21, 2002. At a minimum, this report should explain the causes of the violations, remedial action taken what steps are being taken to prevent a reoccurrence, and include the required reporting.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Ms. Michele Buckler, CEMEX  
Mr. Dan Heintz, CEMEX  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ





JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

April 17, 2002

CERTIFIED LETTER - 7001-1140-0002-7011-1392  
RETURN RECEIPT REQUESTED

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear Mr. Sandberg

SUBJECT: SRN: B1559, Charlevoix County  
February Opacity Excess Emission Reports

LETTER OF VIOLATION

COPY

RECEIVED  
APR 18 2002  
AIR QUALITY DIV.

This letter is in regards to opacity Excess Emission Reports (EER) for the month of March 2002 that was received by the Department of Environmental Quality (Department), Air Quality Division (AQD), on April 10, 2001. The reported Excess Emission Percentage for the main stack was 7.17% and has resulted in violations of your Permit No. 700-77A, 40 CFR 60.62, and your Consent Order, AQD No. 4-1994, Paragraphs 8(D)(1) and 8(D)(2)

40 CFR 60.62 which has regulations for the main stack (kiln) states the following:

- "(a) On and after the date on which the performance test required to be conducted by 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any kiln any gases which:
- (2) Exhibit greater than 20 percent opacity.

40 CFR 60.62 was violated for having visible emissions of greater than 20 percent opacity.

Additionally, Consent Order AQD No. 4-1994, Paragraph 8 (D) states the following:

"(1) ... the visible emissions from the cement kiln and ESP shall be no more than twenty percent opacity for a minimum of ninety five percent of the kiln operating time per reporting period, as determined by continuous monitoring of visible emissions as specified in Paragraph 9 of this order..."

"(2) The excess emission percentage shall be determined by dividing the total duration of emissions in the reporting period that are greater than twenty percent opacity, by the total kiln operating time during the reporting period. The excess emission percentage for a reporting period shall not be greater than five percent. The reporting period shall be one calendar month; ..."

April 17, 2002

Since the reported excess emission percentage for the main stack was 7.17%, both Paragraphs, 8(D)(1) and 8(D)(2), were violated.

Permit No. 700-77A, Special Condition No. 11, states the following:

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

Permit No. 700-77A, Special Condition No. 11, was violated for having visible emissions of greater than 20 percent opacity. You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A 40 CFR 60.62, and your Consent Order, AQD No. 4-1994, Paragraphs 8(D)(1) and 8(D)(2), by May 7, 2002. As a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

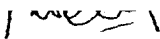
The AQD is also requesting to have the gas flow rate of the ESP draft fan for the month of March included in this report.

Staff will make a determination of the appropriateness of stipulated fines after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated fines to be assessed

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley   
Environmental Engineer  
517-705-3409

cc: Ms. Michele Buckler, CEMEX, Inc.  
Mr. Amarjit (Jeet) Gill, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

February 26, 2002

CERTIFIED LETTER - 7001-1140-0002-7011-1569  
RETURN RECEIPT REQUESTED

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

COPY  
RECEIVED

FEB 27 2002

AIR QUALITY DIV.

Dear: Mr. Sandberg:

SUBJECT: SRN: B1559, Charlevoix County

LETTER OF VIOLATION

On February 22, 2002, the DEQ of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) the administrative rules; the conditions your Air Use Permit to Install Nos. 700-77A, 701-86, 61-86, 574-85, 128-85, and 426-97. During my inspection I observed the following air pollution violations:

Process Description	Permit/Condition Violated	Comments
North Conditioning Tower (NCT) and pug mill	Rule 370	The CKD from the pug mill and the NCT was being allowed to be reintroduced into the outer air. The area between the two sources was covered with a large amount of un-wetted CKD. Additionally, CKD that is destined for the landfill was being piled near the NCT in a large pile.

You should immediately initiate necessary actions to correct the cited violation. Additionally, please submit a report of your program for compliance with Rule 370 by March 11, 2002. At a minimum, this report should explain the causes of the violation, remedial action taken, **what steps and actions are being taken to prevent a reoccurrence**, and the duration of the violation including whether the violation are ongoing. If the violation is not resolved by the date of your response, describe what equipment you will install, procedures you will implement,

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.

2

February 26, 2002

processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violation cited above and for the cooperation that was extended to me during my inspection of your facility. If you have any questions regarding the violation or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Ms. Michele Buckler, CEMEX, Inc.  
Mr. Amarjit (Jeet) Gill, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
~~Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ~~  
Ms. Janis Denman, District Supervisor, DEQ



JOHN ENGLER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



RUSSELL J. HARDING  
DIRECTOR

January 17, 2002

CERTIFIED LETTER - 7001-1140-0002-7011-0036  
RETURN RECEIPT REQUESTED

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

RECEIVED

JAN 22 2002

AIR QUALITY DIV.

Dear: Mr. Sandberg:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

This letter is in regards to the December 2001 opacity reports that the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received on January 10, 2002. The enclosed excess emission report for the Main Stack was reported to be 5.26 percent. This is a violation of your Consent Order AQD No. 4-1994, as revised, Paragraphs 8(D)(1) and 8(D)(2), which states:

Paragraph 8(D)(1) - "...the visible emissions from the cement kiln and ESP shall be no more than twenty percent (20%) opacity for a minimum of ninety five percent (95%) of the kiln operating time per reporting period, as determined by continuous monitoring of visible emissions as specified in paragraph 9 of this order..."

Paragraph 8(D)(2) - "...The excess emission percentage for a reporting period shall not be greater than five percent (5%). The reporting period shall be one calendar month..."

This is a violation of Paragraph 8(D)(1) because the main stack was in compliance with the opacity limit of 20 percent for only 94.74 percent ( $100\% - 5.26\% = 94.74\%$ ) of the operating time. 94.74 percent is less than the required 95 percent of the time. Additionally, Paragraph 8(D)(2) was in violation because the excess emission percentage was greater than five percent of the operating time for the month of December 2001.

The DEQ staff will make a determination of the appropriateness of stipulated penalties. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated penalties to be assessed.

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.

2

January 17, 2002

The AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations. If you have any questions regarding the violation, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Ms. Michele Buckler, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"

CONSTITUTION HALL, 525 WEST ALLEGAN, PO BOX 30473, LANSING MI 48909-7973

INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
GAYLORD, MICHIGAN 49735-9282

December 20, 2001

CERTIFIED LETTER - 7001-1140-0002-1259-1640  
RETURN RECEIPT REQUESTED

COPY

Mr. Paul Sandberg, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, MI 49720

Dear Mr. Sandberg:

SUBJECT: CEMEX, Inc., SRN B1559, Charlevoix County

LETTER OF VIOLATION

This letter is in regards to reporting that is required by Special Condition No. 24 of your Permit No. 700-77A, which states:

"Applicant shall report monthly to the District Supervisor all repairs initiated as a result of inspections pursuant to Paragraphs 1, 7, 8, 9, 14, and 15 of Appendix C."  
(Appendix C is your Malfunction Abatement Plan)

On September 13, 2001, CEMEX submitted the list of repairs for both July and August 2001. This is the last list of repairs that CEMEX has submitted to the Air Quality Division (AQD). The reports for the months of September, October, and November of 2001 have not been received. This is a violation of your permit. Additionally, the July 2001 report was not submitted in August, but was instead submitted in September 13, 2001. Also, these lists of repairs were not submitted for the months of April, May, and June of 2001.

The cited Special Condition No. 24 of Permit No. 700-77A is enforceable as paragraph 8(A) of Consent Order, AQD No. 4-1994, as revised. Paragraph 8(A) requires that:

"...the Company shall fully comply with the condition numbers 11 through 14, inclusive, 16, and 18-27, inclusive, of Permit to Operate No. 700-77A,..."

The Department of Environmental Quality (DEQ), staff will make a determination of the appropriateness of stipulated penalties after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated penalties to be assessed.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Special Condition No. 24, of Permit No. 700-77A by January 10, 2002. At a minimum, this report should explain the causes of the violations and the actions to be taken to prevent a reoccurrence.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the telephone number below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Ms. Michele Buckler, CEMEX  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

*"Better Service for a Better Environment"*

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
GAYLORD, MI 49735-9282

RECEIVED

NOV 29 2001

AIR QUALITY DIV  
COPY

November 27, 2001

CERTIFIED LETTER – 7001-1140-0002-1259-1541  
RETURN RECEIPT REQUESTED

Mr. Stuart Tomlinson, Charlevoix Plant Manager  
CEMEX  
P.O. Box 367  
16000 Bells Bay Road  
Charlevoix, Michigan 49720

Dear Mr. Tomlinson:

SUBJECT: SRN B1559, Charlevoix County

**LETTER OF VIOLATION**

On August 21, 2001, particulate testing was performed on the bypass stack and main stack (cement kiln and pre-heater) at CEMEX by a third party consultant, NTH. The results of the particulate testing resulted in a violation of Permit No. 700-77A, Special Condition No. 15, which states the following:

"The particulate emission rate from the cement kiln and pre-heater shall not exceed 0.30 pound per ton of dry feed..."

The results of the particulate testing, Run 1 and Run 2 of the testing on the bypass stack and the main stack resulted in emissions of 11.75 and 2.42 pounds per ton of feed, respectively. Both Run 1 and Run 2 are in violation of Permit No. 700-77A, Special Condition No. 15.


You should immediately initiate necessary actions to correct the cited violation. Additionally, please submit a report of your program for compliance with Permit to Install No. 700-77A by December 18, 2001. At a minimum, this report should explain the causes of the violation, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violation. If the violation is not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of process or control equipment.

Notwithstanding your response to the preceding citation, the AQD may initiate further enforcement action to address the violation of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violation cited above. If you have any questions regarding the violation or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley   
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Ms. Michele Buckler, CEMEX  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ

STATE OF MICHIGAN



JOHN ENGLER, Governor

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RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
GAYLORD, MI 49735-9282

November 26, 2001

CERTIFIED LETTER - 7001-1140-0002-1259-1527  
RETURN RECEIPT REQUESTED

Mr. Stuart Tomlinson  
Charlevoix Plant Manager  
CEMEX, Inc.  
P.O. Box 367  
16000 Bells Bay Road  
Charlevoix, MI 49720

RECEIVED  
NOV 27 2001  
AIR QUALITY DIV.

Dear Mr. Tomlinson:

SUBJECT: SRN: B1559, Charlevoix County  
Violations from the Inspection with the Environmental Protection Agency

LETTER OF VIOLATION

On July 24, 2001, July 25, 2001 and July 26, 2001, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), and the Environmental Protection Agency (EPA) conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) the administrative rules; the conditions your Air Use Permit to Install No(s). 700-77A, 701-86, 61-86, 574-85, 128-85, 426-97, Consent Order APC No. 4-1994, Consent Judgment No. 96-438-18-CE, 40 CFR 60.62 (NSPS Subpart F), and 40 CFR 60.672 (NSPS OOO). During the inspection we observed the following air pollution violations:

Process Description	Permit/Condition Violated	Comments
Unpaved roads located around the north and east side of the plant and the unpaved quarry roads that were in use.	Permit to Install No. 700-77A, Special Condition No. 26 - Applicant shall operate this facility in strict conformance with the Fugitive Dust Control Program specified in Appendix D.  Appendix D, Fugitive Dust Control Program, Condition No. 1 - Medusa (CEMEX) will continue the use of Lignin Di Sulfide or an equally effective material on quarry and unpaved plant roads for the control of dust.	All cited unpaved roads were in use during the inspection and dust was being emitted from them when being traveled by plant or quarry traffic.

Process Description	Permit/Condition Violated	Comments
<p>Secondary Crusher Building located in the quarry area, which is controlled by a bag house.</p>	<p>A seven (7) percent opacity limit is in effect for this equipment as stated below.</p> <p>40 CFR 60.672(a) – no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any stack emissions which:</p> <p>(2) – Exhibit greater than 7 percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubber control device.</p>	<p>Two Method 9 readings were performed resulting in 6-minute opacities of 15.0% and 10.8%. Both of these are greater than the 7% allowed under 40 CFR 60.672(a)(2).</p> <p>A copy of the visible emission readings is included as Attachment No. 1.</p>
<p>The North Conditioning Tower (NCT). Cement Kiln Dust (CKD) was being taken from the NCT and being placed on the ground and a pile near the NCT. The CKD was also coming out of the enclosure around the NCT drop box.</p> <p>Part of the CKD pile was being watered by a sprinkler system to prevent the collected air contaminants from being re-introduced into the outer air.</p>	<p>Permit to Install No. 700-77A, Special Condition No. 12 – Visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity. This limit is based on the Federal Standards of Performance for New Stationary Sources, 40 CFR, Part 60, Subparts A and F.</p> <p>NSPS Subpart F, 40 CFR 60.62(c) - ... no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere ... other than the kiln or clinker cooler any gases which exhibit 10 percent opacity, or greater.</p> <p>Rule 370 - The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.</p>	<p>Two Method 9, 6-minute visible emission readings were taken on the dust being emitted from the north conditioning tower. These readings resulted in visible emissions averages of 60.6% and 56.7%, greater than the 10% limit.</p> <p>A copy of the visible emission readings is included as Attachment No. 2.</p> <p>Part of the CKD pile was being watered with a sprinkler system, however not all the CKD was being wetted down. A portion of the pile was not being reached by the sprinkler system, and the wind was allowed to blow CKD from this portion of the pile.</p>
<p>Newly installed bag houses with horizontal stacks coming out of the Finish Mill building.</p>	<p>Rule 910 - An air cleaning device shall be ... operated in a satisfactory manner and in accordance with these rules and existing laws.</p>	<p>The baghouses were not operating properly.</p> <p>Visible emissions from these air cleaning devices were high. The high visible emissions seen and confirmed by the CEMEX staff that accompanied the inspectors.</p>

Process Description	Permit/Condition Violated	Comments
<p>The Clinker Ladder had clinker coming out it and into the pit area next to it.</p>	<p>Permit to Install No. 700-77A, Special Condition No. 12 – Visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity. This limit is based on the Federal Standards of Performance for New Stationary Sources, 40 CFR, Part 60, Subparts A and F.</p> <p>NSPS Subpart F, 40 CFR 60.62(b) - ... no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any clinker cooler any gases which</p> <p>(2) Exhibit 10 percent opacity, or greater.</p>	<p>Method 9, visible emission observations resulted in 30 minutes of readings at 100% opacity. Since some of the readings were obstructed by a moving vehicle, four 6-minute averages can be calculated at 100%.</p> <p>A copy of the visible emission readings is included as Attachment No. 3.</p>
<p>Street sweeper was operating on several paved plant roads.</p>	<p>Rule 910 - An air cleaning device shall be ... operated in a satisfactory manner and in accordance with these rules and existing laws.</p> <p>Rule 370 - The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.</p> <p>Permit to Install No. 700-77A, Special Condition No. 26 - Applicant shall operate this facility in strict conformance with the fugitive dust program specified in Appendix D.</p> <p>Appendix D, Fugitive Dust Control Program, Condition No. 3 - The Fugitive Dust Control Program states that the sweeper will be equipped with a dust collector or a water spray system to control emissions during the sweeping process.</p>	<p>The road dust being picked up by the sweeper was not being contained by the sweeper, instead it was being allowed to emit from it.</p> <p>Violation of Rule 910 for not having a properly operated air cleaning device,</p> <p>Violation of Rule 370 for not minimizing the introduction of collected air contaminants to the outer air.</p> <p>Violation of the Fugitive Dust Control Program because the sweeper was not equipped with a system that was controlling emissions during the sweeping process.</p>

Process Description	Permit/Condition Violated	Comments
According to the Preventive Maintenance/Malfunction Abatement Plan (PM/MAP), a preventive maintenance schedule will be maintained and records of this schedule also shall be kept.	Permit to Install No. 700-77A, Special Condition No. 23 – applicant shall operate this facility in strict conformance with the malfunction abatement program specified in Appendix C	The specifics of this violation are presented below (not in the table format), with the specific records in question are included as attachments to this letter. Most inspections are being conducted; however the violation results for failure to act on the findings of the inspections. Note that Condition No. 18 of the Malfunction Abatement Plan states that the primary responsible persons of this plan are the Plant Manager and the Assistant Plant Manager, with secondary responsibilities going to the Maintenance Superintendent, the Production Superintendent, and the Quarry Superintendent.

Violations of the PM/MAP were found as stated above in the table. These violations will be explained in depth in this section. A copy of the PM/MAP is attached to this letter as Attachment No. 4.

#### Daily Visual Inspection violation

First, Condition No. 1 of the PM/MAP requires that a daily, by shift, visual inspection and maintenance schedule will be maintained for several dust collectors, belt conveyors, and transfer points. A record of the inspections and maintenance will be maintained. Enclosed in this letter as Attachment No. 5 is 16 days worth of these required daily, by shift, visual inspections.

As can be seen, most of the inspections show that there are no visible emissions from the equipment (indicated by a "√", check mark). These check marks are included on two of the Finish Mills on July 24, 2001, and on all three Finish Mills on July 25, 2001, indicating that there were no visible emissions. However, while the inspection was taking place on these two days, visible emissions were coming from the finish mill baghouses, especially Finish Mill No. 3. In fact, on July 25, 2001, during the inspection, the accompanying Assistant Plant Manager and Plant Manager instructed the plant operators to shut-down Finish Mill No. 3 when the EPA began its Method 9 reading of the equipment because the visible emissions from it were exceeding the visible emission 10% opacity limit. The violation exists because either the visual inspection was not performed, but reported as such, or because it was performed, but visible emissions was not recorded. Both scenarios result in the same violation, the No. 3 Finish Mill was malfunctioning, however, the problem was not recorded, and was not addressed until the problem was pointed out by the inspectors.

Furthermore, according to the records from July 10, 2001 through July 16, 2001, the No. 3 Finish Mill was operating with visible emissions, with a work order given for the intention of addressing the problem. The CEMEX response letter to this Letter of Violation (LOV) shall include when the work order indicated by "action taken" was performed. Also, CEMEX shall include why the problem was not addressed during the shift in which the visible emissions were observed and whether the procedures outlined in Condition 1(B) of the PM/MAP were followed.

The intent of the PM/MAP is to address these problems before the equipment is in violation and to have the equipment working properly.

Furthermore, the Shift 3 inspection shows that the No. 3 Finish Mill was brought back on line during the third shift because the inspection does not indicate that it was down. In response to this letter of violation, provide records showing what maintenance was performed on Finish Mill No. 3 to bring its visible emissions back into compliance. If no maintenance was performed, then the response letter should state that.

Additionally, in the timeframe addressed in Attachment No. 5, three shift inspections were missed, which is also a violation.

#### **Weekly Maintenance and Inspection Schedule**

Condition No. 7 of the PM/MAP requires that a schedule will be maintained to service and inspect listed dust collectors and air cleaning devices. Again, the intent of PM/MAP is to avoid violations altogether by addressing probable equipment problems before the equipment is in violation of the rules, regulations, and permits. In the, "Weekly Environmental Preventative Maintenance Inspection" forms that are enclosed as Attachment Nos. 6, 7, 8, and 9, the common problem and violation is that an indication of a problem is found, however, the problem is not addressed within the week. For example, the differential pressure is found to be "too high", but it continues to be reported as such with no action taken. The following week, the same pressure difference that is "too high" is reported and so forth. The pressure differential is a great indicator that a dust collector is about to have or is having problems. The inspection points out the problem, but it is not fixed. CEMEX is required to have an adequate supply of spare parts for the maintenance and repair of the air cleaning devices according to Condition No. 17 of the PM/MAP.

Attachment No. 6 includes three weekly inspections of the dust collector for the #1 Finish Mill. 12-1-00, the pressure difference is recorded as 8.0 and it is cited as being "too high". However, the line item is checked that it is "OK". If a pressure difference is reported as being "too high", then it should not be checked as "OK". Also, according to the inspection report, no action was implemented to correct the problem, as required by the PM/MAP. The inspection performed on the equipment on 12-4-00, also related that the pressure differential was high, but the item was once again checked OK. On a good note, a possible problem was found and J.C. was working on it. The weekly inspection on 12-15-00 found the pressure differential to again be high, however, this time it was checked "Not OK". According to the inspection sheet, no action was taken. The violation of this scenario is the high pressure differential that was noted did not have any action taken to correct it after having been documented during the *preventative maintenance* inspections.

Attachment No. 7 includes the weekly inspection of the dust collector for the flash furnace coal located on the roof of the flash furnace coal building. On both 1-2-01 and 1-9-01, the 616 bearing was reported as having, "hi vibs" which the AQD has interpreted to mean high vibration. Regardless on how the AQD interprets the "hi vibs", the bearing noted as not being in good

working order. However, item number four, which includes bearings, was checked as being "OK". Also, there is no indication that any work was performed to repair the bearing problem before it caused a malfunction of the dust collector that could result in a violation. Additionally, while examining records during the inspection records were found with that did not have the preventative maintenance (PM) inspections performed on them. Instead, the records just recorded that the equipment was running. This is a violation because the PM inspection was not performed. The equipment may be operating; however, it may not be operating in compliance. Lastly, records were found (and one has been included in this Attachment No. 7) that had no date on it. The record did not count as an inspection because it was classified as only running, but with no date on the record, it can not count towards compliance with the PM/MAP.

Attachment No. 8 includes the weekly inspection for the dust collector for the #3 Finish Mill. The records from October 2000 through June 2001 were obtained. Some records indicate compliance with the PM/MAP, but several records are in violation. First, there are time frames when the inspections were missed completely and times when an inspection was not completed because the #3 Finish Mill was not operating at the time of the inspection. If the #3 Finish Mill can be proven to not have operated at all during the week when the inspection had taken place, then compliance with the PM/MAP was achieved. However, if the #3 Finish Mill operated during the week, then the PM inspection should have been performed on it while it operated. On the form dated 10-17-00, it was recorded that the #3 Finish Mill was not operating on that date. Additionally, there are no records indicating that the #3 Finish Mill had been inspected during the following 2 week period. This record and lack of records show that there were no weekly PM inspections performed on the #3 Finish Mill for at least 3 weeks, which is a violation of the PM/MAP. During the time period of October 2000 through June 2001, other PM inspections were not performed according to the examined records. PM inspections were not performed during the weeks of 12-18-01, 1-8-01, 3-19-01, 3-26-01, 4-2-01, and 4-9-01, for a total of nine weeks of missed inspections during the time period of October 2000 to June 2001. These missed inspections are all violations of the PM/MAP. Additionally, four straight weeks of PM inspections were missed during the timeframe of 3-19-01 through 4-9-01.

To compound the problem of having the PM inspection missed from 3-19-01 through 4-9-01, examine the PM inspections performed before and after the four weeks of missed inspections. On 3-12-01, the week prior, the PM inspection indicated that there were problems, including a differential pressure and Plenum Chamber Door that were "not OK". For the PM inspection that was one week following, on 4-15-01, the Differential Pressure was still "not OK" at a value of 13. The 4-15-01 PM inspection indicated that the dust collector bags needed to be changed.

The dust collector bags were changed during the shutdown, but should have been changed sooner. The dust collector was having differential pressure problems since December 2000, but no action to change the bags was taken until May 2001, six months after a problem was noticed. This is a violation of the PM/MAP. Additionally, "Hi Vibs" were noted on the collector on 11-6-00, but a work order was not issued until the problem continued through 1-2-01. (two months after the problem was found in the PM inspection). The purpose of the PM/MAP is to identify problems with the equipment and to promptly address the issues before the equipment is in violation. Two month and six month timeframes to address issues discovered on the PM inspection are in violation of the PM/MAP. Condition No. 7 of the PM/MAP requires that the dust collectors and air cleaning devices be serviced on a weekly schedule, not a schedule that involves months.



Attachment No. 9 includes the weekly inspection for the dust collector for the clinker silos which is located on top of the clinker silos. Again, the records examined in this group show missed PM inspections and recording a differential pressure that is high, but without action to correct the problem. From 11-21-00 through 1-2-01, the differential pressure was recorded as being too high. However, it took all that time to determine that the dust collector bags may need to be changed. This is a violation of the PM/MAP. Condition No. 7 of this Plan requires that the dust collectors and air cleaning devices be serviced on a weekly schedule and this was not done. Instead, it took nearly a month and a half to determine something should be done to correct the problem.

### **Monthly Maintenance and Inspection Schedule**

Attachment No. 10 is the monthly PM inspection for the dust collector for the kiln feed building which is located on top of the kiln feed building. PM inspection forms were obtained for the time period of July 2000 through February 2001.

The PM inspection performed in July 2000, on 7-5-00 noted that a differential pressure of 9 was too high and that new bags were needed. Additionally, there were other problems with the dust collector that caused reasons numbers four and five to be checked as "NOT OK", and a comment that the drive belt was loose, but the kiln needed to be down to repair it. The August 2000 PM inspection, performed on 8-4-00, also stated that the differential pressure was high with a reported value of 9.5. The comment was that the bags needed to be replaced and a work order was issued. No PM inspection was performed for the month of September 2000, which is a violation of the PM/MAP which is required by Permit No. 700-77A. The October 2000, PM inspection was performed on 10-6-2000 with a reported differential pressure of 9.5. According to previous PM inspections, a differential pressure of 9.5 is high, requiring bag changes. On the PM inspection form, it was noted that there was not dusting, which is good. However, the intent of the PM/MAP is to correct possible problems before there is dusting. Therefore, action should have been taken when the high differential pressure was first found. The lack of action results in a violation. A second monthly inspection was performed on 10-26-00 with a note on it stating that it was for the month of November 2000. This lack of an actual inspection taking place at the end of October 2000, instead of the month of November 2000, could possibly be understood by AQD, except for the two problems associated with it.

The first of the two problems is that a differential pressure of 9 was recorded. This value was recorded as being high in the July 2000, PM monthly inspection, as discussed above. No recognition of this high differential pressure was noted, and for a second straight inspection, no action was taken on the high differential pressure. The PM/MAP was again violated for not taking action on an inspection category that was in place to prevent the dust collector from operating in violation. The second problem with the November inspection that took place in October 2000 is that not only was an actual inspection not taken in November 2000, but there was no inspection performed during the following month of December 2000, another violation. The lack of a December 2000, PM inspection is a concern due to the increasing differential pressure in a range that was already high.

The January 2001, PM inspection was performed on 1-16-01 and a differential pressure ( $\Delta P$ ) of 10.5 was recorded. This  $\Delta P$  was noted as being high, and the PM inspection reported noted that the bags may need to be replaced. However, as in the previous months, no action was taken on the inspection findings, resulting in a violation. The February 2001, inspection was performed on 2-19-01 and the  $\Delta P$  was recorded as being as 11. Again, this  $\Delta P$  was noted as being high; however it appears that once again no action had been taken because of the comment of "Needs Rebag?" The possibility of needing new bags was still in question after

seven months of having the differential pressure being reported at high values. This is a violation.

The monthly PM inspection for the dust collector for the clinker crusher is included as Attachment No. 11. The first record is for the month of June 2000 with the PM inspection performed on 6-20-00. This inspection resulted in findings that did not require any actions to be taken. The differential pressure was reported at 3 and all the categories were checked as being "OK". The August PM inspection was performed on 8-8-00; however no inspection was actually performed because the dust collector was down. If the dust collector was down for the entire month, it should be noted on the inspection form. The inspection should take place while the equipment is operating. The PM inspection did note that there were holes in the ductwork.

The September 2000 PM inspection took place on 9-14-00. The  $\Delta P$  was recorded to be 18.5. A  $\Delta P$  of this magnitude should not be accepted on any bag house at CEMEX and should immediately trigger an action to fix the problem. However, this PM inspection did not result in any actions or questions on whether it was an acceptable value. The  $\Delta P$  inspection point (No. 1) was not checked as either OK or NOT OK, but all the other inspection points resulted in being checked as OK. The October 2000 PM inspection was performed on 10-18-00. A  $\Delta P$  of 15.5 was reported for this dust collector. Again, this value is extremely high for any dust collector at CEMEX. However, this very high  $\Delta P$  did not result in any action taken to correct the problem.

The January 2001, PM inspection that was performed on 1-17-01, is the next subject. The inspections were once again performed at a time when the dust collector was not operating, which is not acceptable, if the collector was operated during the month. Even while the dust collector was down, some problems were found, but it is not clear if these problems were addressed.

The PM inspection that was performed for the month of June 2001 on 6-26-01, indicated that there were several problems with this dust collector and many of the problems are again reported in the July 2001 monthly inspection, indicating that actions were not taken from the June 2001 PM inspection report to correct the problems. The June 2001 inspection reported that the  $\Delta P$  was operating at 0 (zero), which indicates that no dust is being collected by the bag house. Instead, the air stream containing the dust is going through the dust collector without being collected. The June 2001 inspection also reported that the hopper under the bags had a lot of holes and bags need to be replaced because they had several holes. Also, the top of the tube sheet and walls needed to be cleaned and the 5 fan blades were cut by 6" and new blades needed to be ordered. The house had a lot of holes and a new door lock was needed. The fan blade parts should have been in stock at the facility, as the PM/MAP requires an adequate supply of spare parts is kept. The July 2001, inspection did not have a  $\Delta P$  recorded, but did have category one on the inspection form checked as "NOT OK". Additionally, the problems of holes in the bags and in the system, and the fan problems still existed during the month of July 2001. These are all violations of the PM/MAP. When submitting the response to this letter, please include all the monthly inspection reports for the clinker crusher dust collector for July 2000, November 2000, December 2000, March 2001, April 2001, May 2001, August 2001, September 2001, and October 2001.

As can be seen by the extensive violations discussed in this letter, there are serious problems with the implementation of the existing PM/MAP that is required by Permit to Install No. 700-77A. You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rules 370 and 910, your Permit to Install No. 700-77A, 40 CFR 60.672(a), and 40 CFR 60.62(b) and (c) by

November 26, 2001

December 4, 2001. At a minimum, this report should explain the causes of the violations, remedial action taken what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

The cited Special Condition No(s). 12, 23, and 26 of Permit to Install No. 700-77A are enforceable as paragraph 8(A) of Consent Order, AQD No. 4-1994. Paragraph 8A requires that:

"On and after May 30, 1994, the Company shall fully comply with the Conditions Nos. 11 through 14, inclusive, 16, and 18-27, inclusive of Permit to Operate No. 700-77A, ... and made an enforceable part of this Consent Order..."

The DEQ/AQD staff will make a determination of the appropriateness of stipulated penalties after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated penalties to be assessed.

Be aware that state and federal air pollution regulations prohibit your company from obtaining any new air use permits for major offset sources located in Michigan until the cited violations are corrected or until you have entered into a legally enforceable order or judgment specifying an acceptable program and schedule for compliance.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the DEQ/AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of your facility. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

Enclosure(s): Attachment 1 through 11

cc: Mr. Farro Assadi, USEPA, Region V

Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ



JOHN ENGLER, Governor

**DEPARTMENT OF ENVIRONMENTAL QUALITY***"Better Service for a Better Environment"*

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
GAYLORD, MI 49735-9282

COPY

July 23, 2001

CERTIFIED LETTER – 7000-1530-0001-4866-0205RETURN RECEIPT REQUESTED

FILE

Mr. Stuart Tomlinson, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, MI 49720

Dear Mr. Tomlinson:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

On July 12, 2001, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to observe stack testing and to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) the administrative rules; the conditions your Air Use Permit to Install Nos. 700-77A, 701-86, 61-86, 574-85, 128-85, 426-97, Consent Order APC No. 4-1994, Consent Judgement No. 96-438-18-CE, 40 CFR 60.62 (NSPS Subpart F), and 40 CFR 60.672 (NSPS Subpart OOO). During my inspection I observed the following air pollution violation:

Process Description	Permit/Condition Violated	Comments
Quarry Conveyor to large transfer house that AQD has been informed contains the secondary crusher.	NSPS Subpart OOO, 40 CFR 60.672(b), which states, "... no owner or operator shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity..."	Opacity reading was taken from point in which the conveyor enters the transfer house. The resulting 6-minute average opacity was 46.5%.

July 23, 2001

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with NSPS Subpart OOO by August 6, 2001. At a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Enclosed is a copy of the six-minute average visible emission reading taken at your company. Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

Enclosure

cc: Ms. Michele Buckler, Environmental Manager, CEMEX, Inc.  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ

## STATE OF MICHIGAN



JOHN ENGLER, Governor

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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RUSSELL J. HARDING, Director

## REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
GAYLORD, MI 49735

July 19, 2001

CERTIFIED LETTER – 7000-1530-0001-4866-0182  
RETURN RECEIPT REQUESTED

COPY  
FILE

Mr. Stuart Tomlinson, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, MI 49720

Dear Mr. Tomlinson:

SUBJECT: SRN: B1559, CEMEX, Inc., Charlevoix County

LETTER OF VIOLATION

On June 25, 2001, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions your Air Use Permit to Install No(s) 700-77A, 701-86, 61-86, 574-85, 128-85, 426-97, 466-99, Consent Order APC No. 4-1994, Consent Judgement No. 96-438-18-CE, and 40 CFR 60.62 (NSPS Subpart F).

Process Description	Permit/Condition Violated	Comments
A-frame storage building	NSPS Subpart F (40 CFR 60.62(c)) and Permit to Install No. 700-77A, Special Condition No. 12, have a 10% opacity limit for the A-frame storage building.	One 6-minute Method 9 Visible Emission reading of emissions from the conveyor documented opacity of 21.7%
Conveyor between the transfer houses in the quarry	NSPS Subpart OOO (40 CFR 60.672(b)) has an opacity limit of 10%	One 6-minute Method 9 Visible Emission reading of emissions from the conveyor documented opacity of 49.6%
Street sweeper dumped its collected air contaminants in a location and manner that did not minimize the reintroduction of air contaminants into the outer air.	Rule 370(1), which states, that collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of	The street sweeper dumped its collected air contaminants next to a waste pile that was located near the east side of the Finish Mill building. Soon after the air contaminants were dumped,

	air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.	traffic was driving through the pile of air contaminants, reintroducing the dust into the outer air.
Finish Mill #3 stack	NSPS Subpart F (40 CFR 60.62(c)) and Permit to Install No. 700-77A, Special Condition No. 12, have a 10% opacity limit for the Finish Mills.	Four 6-minute Method 9 Visible Emission readings were taken of emissions from the stack and all readings were above the limit. The resulting opacities were 18.1%, 15.6%, 19.4%, and 17.7%.
South Conditioning Tower's (SCT) enclosure	NSPS Subpart F (40 CFR 60.62(c)) and Permit to Install No. 700-77A, Special Condition No. 12, have a 10% opacity limit for the SCT enclosure	Two 6-minute Method 9 Visible Emission readings were taken of emissions from the enclosure and all readings were above the limit. The resulting opacities were 13.3% and 58.3%

In addition, the above-cited violations of Special Condition No.12 of Permit to Install No. 700-77A are enforceable as paragraph 8A of Consent Order, AQD No. 4-1994. Paragraph 8A requires that "...The Company shall fully comply with the conditions Nos. 11 through 14, inclusive ...of Permit to Operate No. 700-77A..."

Staff will make a determination of the appropriateness of stipulated penalties after review of the requested response and corrective action plan. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated penalties to be assessed

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with:

- Rule 370 and your Permit to Install No. 700-77A
- Federal NSPS Subpart F and Subpart OOO

by August 9, 2001. At a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.



Mr. Stuart Tomlinson  
Plant Manager  
CEMEX, Inc.

3

July 19, 2001

Thank you for your attention to resolving the violations cited. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Ms. Michele Buckler, CEMEX  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ

## STATE OF MICHIGAN



JOHN ENGLER, Governor

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
GAYLORD, MI 49735

COPY

July 17, 2001

CERTIFIED LETTER – 7099-3400-0004-1683-1779  
RETURN RECEIPT REQUESTED

FILE

Mr. Stuart Tomlinson, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, MI 49720

Dear Mr. Tomlinson:

SUBJECT: SRN: B1559, Charlevoix County

LETTER OF VIOLATION

On June 14, 2001, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions your Air Use Permit to Install No(s) 700-77A, 701-86, 61-86, 574-85, 128-85, 426-97, Consent Order APC No. 4-1994, Consent Judgement No. 96-438-18-CE, and 40 CFR 60.62 (NSPS Subpart F).

Process Description	Permit/Condition Violated	Comments
Street sweeper was operating on several paved plant roads. The road dust being picked up by the sweeper was not being properly contained by the sweeper; instead the collected dust was being allowed to escape into the ambient air.	Rule 910 - An air-cleaning device shall be ... operated in a satisfactory manner and in accordance with these rules and existing laws.  Rule 370 - The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.  Permit to Install No. 700-77A, Special Condition No. 26 - Applicant	Violation of Rule 910 for not having a properly operated air cleaning device,  Violation of Rule 370 for not minimizing the introduction of collected air contaminants to the outer air.

	<p>operate this facility in strict conformance with the fugitive dust program specified in Appendix D.</p> <p>Appendix D, Fugitive Dust Control Program, Condition No. 3 - The Fugitive Dust Control Program states that the sweeper will be equipped with a dust collector or a water spray system to control emissions during the sweeping process.</p>	<p>Violation of the Fugitive Dust Control Program because the sweeper was not equipped with a system that was controlling emissions during the sweeping process.</p>
<p>Opacity violations from the newest baghouse on top of the loading silos.</p>	<p>Permit to Install No. 700-77A, Special Condition No. 12 - visible emissions from ... all other dry process sources shall not exceed 10% opacity.</p> <p>40 CFR 60.62(c) - ... no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater.</p>	<p>Two 6-minute readings were performed and the resulted opacities were 24.8 % and 26.0%.</p>
<p>Unpaved Roads located around the north and east sides of the plant, the unpaved road that was in use near the north side of the landfill, and the unpaved quarry roads that were in use near Bells Bay Road.</p>	<p>Permit to Install No. 700-77A, Special Condition No. 26 - Applicant shall operate this facility in strict conformance with the fugitive dust program specified in Appendix D.</p> <p>Appendix D, Fugitive Dust Control Program, Condition No. 1 - Medusa (CEMEX) will continue the use of Lignin Di Sulfide or an equally effective material on quarry and unpaved plant roads for the control of dust.</p>	<p>All cited unpaved roads were in use during the inspection and large amounts of dust were being emitted from them by plant traffic.</p>
<p>Cement Kiln Dust (CKD) was being taken from the North Conditioning Tower (NCT) and being placed on the ground and onto a pile near the NCT. The CKD was also coming out of the enclosure around the NCT drop box.</p>	<p>Rule 910 - An air-cleaning device shall be ... operated in a satisfactory manner and in accordance with these rules and existing laws.</p> <p>Rule 370 - The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of</p>	<p>Part of the CKD pile was being watered with a sprinkler system, however not all the CKD was being wetted down. A portion of the pile was not being</p>

Part of the CKD pile was being watered by a sprinkler system to prevent the collected air contaminants from being reintroduced into the outer air.	contaminants to the outer air.	reached by the sprinkler system, and the wind was blowing CKD from this portion of the pile. The area between the CKD pile and the pugmill had about 6 inches of CKD on the ground that had not been watered and did not have any crust on it. When a plant vehicle traveled through the CKD, the CKD was reintroduced into the outer air.
Fugitive emissions were being discharged from the clinker cooler. The clinker cooler is an emission control device. Airborne emission of clinker dust is an air contaminant.	<p>Rule 910 - An air-cleaning device shall be ... operated in a satisfactory manner in accordance with these rules and existing laws.</p> <p>Rule 370 - The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.</p>	Chutes from part of the clinker cooler, in the location of the old gravel bed filter, was releasing clinker fines and creating lots of fugitive dust. The company representative explained that the fugitive dust emissions were coming from the new clinker cooler configuration.

The cited Special Condition No(s) 12 and 26 of Permit to Operate No. 700-77A are enforceable as Paragraph 8A of Consent Order, AQD No. 4-1994. Paragraph 8A requires that:

"On and after May 30, 1994, the Company shall fully comply with the Condition No(s). 11 through 14, inclusive, 16, and 18-27, inclusive of Permit to Operate No. 700-77A, which is attached as Exhibit A, incorporated by reference, and made an enforceable part of this Consent Order."

The DEQ, AQD, staff will make a determination of the appropriateness of stipulated penalties after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated penalties to be assessed.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rules 910 and 370, Permit to Install No. 700-77A (which includes the Fugitive Dust Control Plan), and 40 CFR 60.62(c) (NSPS F) by July 31, 2001. At a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Additionally, the inspection raised concerns on a number of items that were related to the Air Quality Division in a March 14, 2001, letter from CEMEX. The letter stated (Item 2) that the North Conditioning Tower (NCT) had improvements made to it. At the time of the inspection, the NCT still had several problems and the upgrades that were made have not solved the problems.

Furthermore, Item No. 3 in the March 14, 2001 letter stated the following:

"CEMEX will implement a sprinkler system for the quarry roads late this spring. We envision that this system will be constructed in phases, in order to maximize the effectiveness and utility. In addition, we will continue to use alternatives to water (e.g. magnesium chloride, calcium chloride) in areas of the quarry that have lower traffic and less direct drainage to surface water."

At the time of the Inspection, there was no indication of any kind of an installed sprinkler system for roads. Also, a violation was cited in this letter for not having dust suppressant applied on all other quarry roads, as suggested by the March 14, 2001 letter.

Item No. 5 of the March 14, 2001 letter made a reference to the Fugitive Dust Control Plan that was cited earlier in this Letter of Violation (LOV). Item No. 5 discussed that CEMEX had made substantial improvements to dust control program for unpaved plant roads, that more effective water sprays had been installed near the North Conditioning Tower, and the g-cooler installation project would make marked improvements to the clinker handling system.

Mr. Stuart Tomlinson  
Plant Manager  
CEMEX Inc.

5

July 17, 2001

The June 14, 2001, inspection of the Charlevoix CEMEX seemed to prove otherwise. The areas that were mentioned in the March 14, 2001 letter have not improved based on the June 14, 2001 inspection, and are reflected by the violations included in this LOV.

Notwithstanding your response to the preceding citations, the DEQ, AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Ms. Michele Buckler, CEMEX  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

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INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
GAYLORD, MI 49735

July 2, 2001

CERTIFIED MAIL - 7099-3400-0004-1683-1656  
RETURN RECEIPT REQUESTED

Mr. Stuart Tomlinson  
CEMEX  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, MI 49720

Dear Mr. Tomlinson:

SUBJECT: SRN: B1559, Charlevoix County

LETTER OF VIOLATION

This letter is in regards to the three additional dust collectors (DC4, DC5, and DC6) that were installed at the Southdown (CEMEX) Cheboygan plant as control for the g-cooler project. The Department of Environmental Quality (Department), Air Quality Division (AQD), was originally notified about the installation of these dust collectors in a letter from CEMEX that was dated January 26, 2001. The following was stated in the January 26, 2001, letter:

"An evaluation of the g-cooler project currently under construction at Southdown's Charlevoix facility (Air Use Permit 466-99), has determined that additional dust collection is warranted ... The new dust collectors will be pulse-jet variety with exhaust rates of 10,000, 17550, and 6,000 actual cubic feet per minute (ACFM)."

Furthermore, the January 26, 2001, letter stated that the installation of the three additional dust collectors did not trigger new source review (obtaining a permit according to Rule 201) because CEMEX felt that the collectors were exempt under Rule 285(f).

Rule 201, states the following:

"A person shall not install any process or process equipment, including control equipment pertaining thereto, which may emit an air contaminant, unless a permit to install which authorizes such action is issued by the Department."

In a letter dated March 15, 2001, AQD staff notified CEMEX that the Department did not concur with CEMEX's conclusion that the three new dust collectors could be installed with the exemption of Rule 285(f). Additional information regarding the calculated potential emissions was requested to assist in determining compliance with Rule 278, exclusions from exemptions.

COPY

FILE

July 2, 2001

CEMEX responded to AQD's request for additional information in a letter dated March 26, 2001. Included in this submittal were the calculations for the 3 dust collectors that were originally included in the g-cooler Permit Application, the original netting analysis for the g-cooler project, the emission calculations for the three additional dust collectors, and a revised netting analysis including both the permitted dust collectors and the three additional dust collectors.

Upon review of all the information presented to the AQD, including a letter from CEMEX dated May 8, 2001, on the additional dust collectors for the g-cooler, AQD finds CEMEX to be in violation of the following:

**Rule 201** for not obtaining a permit for the 3 dust collectors,

**Rule 203** for failure to provide adequate information on the application for Permit to Install No. 466-99, and

**40 CFR 52.21(i)** for not having these three additional dust collectors (DC4, DC5, and DC6) evaluated and permitted with emission limits that prevent them from being subject to Prevention of Significant Deterioration.

Be advised that Rule 201 requires that an air use permit be obtained prior to installation, construction, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rule 201, Rule 203, and 40 CFR 52.21(i) by July 18, 2001.

Notwithstanding your response to the preceding citations, the Air Quality Division may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me.

Sincerely,  
A

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Ms. Michele J. Buckler, Environmental Manager, CEMEX  
Mr. Farro Assadi, Environmental Protection Agency  
Mr. Alan F. Hoffman, Office of Attorney General, DNR  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Tim McGarry, Enforcement Section Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ





JOHN ENGLER, Governor

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INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
P. O. BOX 1830  
GAYLORD, MI 49734-5830

March 28, 2001

CERTIFIED LETTER – 7000-0520-0015-4541-5107  
RETURN RECEIPT REQUESTED

Mr. John Laney  
Plant Manager  
Southdown/CEMEX  
16000 Bells Bay Road  
Charlevoix, MI 49720

SUBJECT: SRN: B1559, Charlevoix County  
Opacity violations from inspection on March 21, 2001

LETTER OF VIOLATION

Dear Mr. Laney:

On March 21, 2001, the Department of Environmental Quality, Air Quality Division (AQD) conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions your Air Use Permit to Install Nos. 700-77A, 701-86, 61-86, 574-85, 128-85, and 426-97; Consent Order APC No. 4-1994, Consent Judgment No. 96-438-18-CE, and 40 CFR 60.62 (NSPS Subpart F).

During my inspection, two Method 9 opacity readings were taken from different locations. The first Method 9 reading took place from the employee parking lot for a reading above the burner building. The opacity readings were taken of emissions under the large "elbow duct" that is located over the East End of the burner building. The source of the emissions may have been the conveyors that operate in that area. The readings resulted in opacity of 22.3% and 13.1%. The second Method 9 opacity reading was taken of emissions from a vertical duct on the north-west corner of the gravel bed filter. A six-minute opacity reading resulted in an opacity reading of 51.2%. Copies of both Method 9 opacity readings are enclosed for your information.

Permit to Install No. 700-77A, Special Condition No. 12 states the following:

"Visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity. This limit is based on Federal Standards of Performance for New Stationary Sources (NSPS), 40 CFR, Part 60, Subparts A and F."

All three six-minute readings are greater than 10% and therefore are in violation of Special Condition No. 12 of Permit to Install 700-77A and NSPS Subpart F.

Mr. John Laney  
Plant Manager  
Southdown/CEMEX

2

March 28, 2001

The cited (special condition No.12 of Permit to Install No. 700-77A) is enforceable as paragraph 8A of Consent Order, AQD No. 4-1994. Paragraph 8A requires that

"On and after May 30, 1994, the Company shall fully comply with the conditions Nos. 11 through 14, inclusive, 16, and 18-27 inclusive, of Permit to Operate No. 700-77A..."

Staff will make a determination of the appropriateness of stipulated fines after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated fines to be assessed

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit to Install No. 700-77A and NSPS Subpart F by April 18, 2001.

At a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the telephone number below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division

dgt/daa

Enclosure: Method 9 Opacity Readings

cc: Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Mr. Ron Pollom, Enforcement Section, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

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INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
P. O. BOX 1830  
GAYLORD, MI 49734-5830

March 26, 2001

CERTIFIED LETTER – 7000-0520-0015-4241-5053

RETURN RECEIPT REQUESTED

Mr. John Laney  
Plant Manager  
Southdown/CEMEX  
16000 Bells Bay Road  
Charlevoix, Michigan 49720

SUBJECT: SRN: B1559, Charlevoix County  
February Opacity Excess Emission Reports

LETTER OF VIOLATION

Dear Mr. Laney:

This letter is in regards to opacity Excess Emission Reports (EER) for the month of February 2001 that were received by the Department of Environmental Quality (Department), Air Quality Division (AQD), on March 12, 2001. The reported Excess Emission Percentages were 8.47%, and 8.30%, for the main stack (kiln) and the gravel bed stack (clinker cooler), respectively.

40 CFR 60.62 which has regulations for both the main stack (kiln) and gravel bed stack (clinker cooler) states the following:

"(a) On and after the date on which the performance test required to be conducted by 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any kiln any gases which:

(2) Exhibit greater than 20 percent opacity.

(b) On and after the date on which the performance test required to be conducted by 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any clinker cooler any gases which:

(2) Exhibit 10 percent opacity."

COPY  
FILE

excess emission percentages point out, the above cited regulations were  
ed several times in the month of February for the Main Stack and Gravel Bed Filter  
, and are being cited as violations in this letter.

onally, Consent Order AQD No. 4-1994, Paragraph 8 (D) states the following:

"(1) ... the visible emissions from the cement kiln and ESP shall be no more than  
twenty percent opacity for a minimum of ninety five percent of the kiln operating  
time per reporting period, as determined by continuous monitoring of visible  
emissions as specified in Paragraph 9 of this order..."

"(2) The excess emission percentage shall be determined by dividing the total  
duration of emissions in the reporting period that are greater than twenty percent  
opacity, by the total kiln operating time during the reporting period. The excess  
emission percentage for a reporting period shall not be greater than five percent.  
The reporting period shall be one calendar month; ..."

raph 8(D) only refers to the main stack and bypass stack, and does not include  
avel bed filter stack emissions. Since the reported excess emission percentage  
e main stack was 8.47%, both Paragraphs, 8(D)(1) and 8(D)(2), were violated.

will make a determination of the appropriateness of stipulated fines after review of  
quested response and corrective action above. You will be notified following our  
v. At that time, staff in the Enforcement Unit would be willing to meet with  
sentatives of your company to discuss this matter and any mitigating  
nstances the company feels should be considered prior to staff making a final  
mination on the amount of stipulated fines to be assessed.

ould immediately initiate necessary actions to correct the cited violations.  
onally, please submit a report of your program for compliance with and your  
it to Install No. 700-77A, 40 CFR 60.62, and your Consent Order, AQD No. 4-  
Paragraphs 8(D)(1) and 8(D)(2), by April 9, 2001.

minimum, this report should explain the causes of the violations, remedial action  
, what steps are being taken to prevent a reoccurrence, and the duration of the  
ons including whether the violations are ongoing. If the violations are not  
ed by the date of your response, describe what equipment you will install,  
dures you will implement, processes or process equipment you will shut down, or  
actions you will take and by what dates these actions will take place.

led in this report, the AQD is requesting to have the gas flow rate of the ESP draft  
r the month of February. In a phone conversation with Ms. Michele Buckler earlier  
month, she suggested trend curves for each day in the month of February. As I  
er during the phone conversation, this information would fulfill my request.

Mr. John Laney  
Plant Manager  
Southdown/CEMEX

3

March 26, 2001

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
517-705-3409

dgt/daa

cc: Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ  
Mr. Ron Pollom, Compliance & Enforcement Section, DEQ



JOHN ENGLER, Governor  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

*"Better Service for a Better Environment"*  
HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973  
INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)  
RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
P. O. BOX 1830  
GAYLORD, MI 49734-5830

March 20, 2001

CERTIFIED LETTER – 7000-0520-0025-3845-5992  
RETURN RECEIPT REQUESTED

COPY  
FILE

Mr. John Laney  
Plant Manager  
Southdown/CEMEX  
16000 Bells Bay Road  
Charlevoix, MI 49720

SUBJECT: SRN: B1559, Charlevoix County, Inspection on February 28, 2001

LETTER OF VIOLATION

Dear Mr. Laney:

On February 28, 2001, the Department of Environmental Quality (Department), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions your Air Use Permit to Install Nos. 700-77A, 701-86, 61-86, 574-85, 128-85, 426-97, Consent Order APC No. 4-1994, Consent Judgement No. 96-438-18-CE, and 40 CFR 60.62 (NSPS Subpart F).

During the inspection, a pile of CKD located near the North Conditioning Tower was observed. The wind was blowing across the pile, picking up CKD and reintroducing it into the outer air. This is a violation of Rule 370, which states:

"Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air."

Additionally, collected air contaminants from the gravel bed filter were piled next to some of the off-spec clinker piles. Again, the wind was blowing collected air contaminants from these piles and allowing them to be reintroduced into the outer air. This is also a violation of Rule 370.

The inspections also found the unpaved road on the north side of the kiln and clinker cooler to be dusty. This is a violation of your Fugitive Dust Plan, Paragraph 1, which states the following:

"Medusa will continue the use of Lignin Di Sulfide or an equally effective material on quarry haulage and unpaved plant roads for the control of dust."

Cement dust and coal dust was found on a paved section on the south side of the plant, near the flash furnace coal building. This is a violation of the Fugitive Dust Plan, Paragraph 2, which states that,

"Medusa will continue the use of its high vacuum truck for the cleanup of process spills and general housekeeping."

Staff will make a determination of the appropriateness of stipulated fines after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated fines to be assessed

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rule 370 and your Fugitive Dust Plan by April 9, 2001.

As a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
517-705-3409

dgt/daa

cc: Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ



JOHN ENGLER, Governor

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INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
P. O. BOX 1830  
GAYLORD, MI 49734-5830

February 20, 2001

CERTIFIED MAIL - 7099-3400-0004-1683-2615  
RETURN RECEIPT REQUESTED

**FILE**

Mr. John Laney, Plant Manager  
Southdown, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, MI 49720

Dear Mr. Laney:

SUBJECT: SRN: B1559, Violation from the South Conditioning Tower

**LETTER OF VIOLATION**

On February 15, 2001, the Department of Environmental Quality, Air Quality Division, conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of Article II, Air Pollution Control, Part 55 of Act 451 of 1994, the administrative rules, the conditions of your Air Use Permit to Install No(s). 700-77A, 701-86, 61-86, 574-85, 128-85, 426-97, Consent Order APC No. 4-1994, Consent Judgement No. 96-438-18-CE, and 40 CFR 60.62 (NSPS Subpart F).

During my inspection, two Method 9 six-minute opacity readings were performed on the South Conditioning Tower (SCT) enclosure. The SCT has a 10% opacity limit specified by both 40 CFR 60.62(c) and your Permit to Install No. 700-77A, Special condition 12. 40 CFR 60.62(c) states the following:

"...no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10% opacity or greater."

Additionally, your Permit to Install No. 700-77A, Special Condition 12, states the following:

"Visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity. This limit is based on the Federal Standards of Performance for New Stationary Sources, 40 CFR 60, Subparts A and F."



The two Method 9, six-minute readings from the SCT enclosure resulted in averages of 53.5% and 24.8%. Both of these averages are above the 10% limit and therefore Southdown is in violation of both your Permit to Install No. 700-77A, Special condition 12 and 40 CFR 60.62(c).

Additionally, these emissions were made up of collected air contaminants that were being allowed to discharge back into the outer air. During the inspection, there was no additional preventative actions taking place to try and reduce these collected air contaminants from being discharged to the outer air from the SCT enclosure. This is a violation of Rule 370(1), which states the following:

"Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of air contaminants to the outer air."

The cited violation (Special Condition No.12 of Permit to Install No. 700-77A) is enforceable as Paragraph 5 of Consent Judgment No. 96-438-18-CE. Paragraph 5(b) requires that "Medusa Cement [Southdown] to comply with the necessary air use permits for process equipment in compliance with the CAA, the Michigan State Implementation Plan, the PSD regulations, Part 55 of Act 451, and rules promulgated thereunder, and MEPA".

Staff will make a determination of the appropriateness of stipulated fines after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated fines to be assessed

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rule 370, your Permit to Install No. 700-77A, and 40 CFR 60.62(c) by March 13, 2001 (which coincides with 21 calendar days from the date of this letter).

As a minimum, this report should explain the causes of the violations, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the Air Quality Division may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Mr. John Laney, Plant Manager  
Southdown, Inc.

3

February 20, 2001

Thank you for your attention to resolving the violations cited above (and for the cooperation which was extended to me during my inspection of your facility). If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
517-705-3409

dgt/daa

cc: Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Timothy McGarry, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ



JOHN ENGLER, Governor

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INTERNET: [www.deq.state.mi.us](http://www.deq.state.mi.us)

RUSSELL J. HARDING, Director

REPLY TO:

GAYLORD FIELD OFFICE  
AIR QUALITY DIVISION  
2100 M-32 WEST  
P. O. BOX 1830  
GAYLORD, MI 49734-5830

February 13, 2001

CERTIFIED LETTER – 7099-3400-0004-1683-2585  
RETURN RECEIPT REQUESTED

**FILE**

Mr. John Laney, Plant Manager  
Southdown, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, MI 49720

Dear Mr. Laney:

SUBJECT: SRN: B1559, Charlevoix County  
Opacity Exceedance Notification

**LETTER OF VIOLATION**

This letter is in regards to violations of Rule 912 and Consent Order, AQD No. 4-1994, Paragraph 12. The violation concerns your required submittals for notification of any abnormal conditions or malfunctions of process and/or control equipment resulting in emissions. Consent Order, AQD No. 4-1994, Paragraph 12 reflects Rule 912 and states the following:

"... The Company shall provide notification of any abnormal conditions or malfunctions or process and/or control equipment resulting in emissions in violation of this Consent Order or rules promulgated pursuant to Act 348 for more than two hours to the MDEQ, AQD Gaylord District Supervisor. Verbal notice shall be made as soon as possible, but not later than 9:00 a.m. of the next working day. Within 10 calendar days following the occurrence of the abnormal condition or malfunction, the Company shall submit to the MDEQ, AQD Gaylord Supervisor a detailed written report which describes the cause, extent and duration of the violation, remedial action taken to correct the violation, and the procedures and corrective measures which have been, or are being, taken to prevent reoccurrence."

During the calendar year of 2001, the MDEQ-AQD, Gaylord Field Office has received five letters which Southdown has submitted to show compliance with the above mentioned Paragraph 12 of Consent Order AQD No. 4-1994. These letters are as follows:

- January 12, 2001, December 5, 2000 Exceedance of Opacity Limits
- January 18, 2001, January 15, 2000 Exceedance of Opacity Limits
- January 31, 2001, January 23, 2000 Exceedance of Opacity Limits
- January 31, 2001, January 30, 2000 Exceedance Opacity Limits
- February 2, 2001, January 31, 2000 Exceedance Opacity Limits

February 13, 2001

All five of these letters included the duration of the reported incidents and what incidents they were a result of. However, these letters did not include all required information required by the Consent Order, nor Rule 912(5)(b), Rule 912(5)(c), Rule 912(5)(d), and Rule 912(6). Southdown needs to provide more specific details of the reasons for the exceedances, the remedial actions taken to correct the violations, and provide information describing the measures taken and the air pollution control practices followed to minimize emissions. Additionally, Southdown shall include the procedures and corrective measures which have been, or are being taken to prevent reoccurrence. As required by Rule 912(6), Southdown must incorporate the actions taken to prevent reoccurrence of an abnormal condition or a malfunction into the preventative maintenance and malfunction abatement plan required by Rule 911.

Staff will make a determination of the appropriateness of stipulated fines after review of the requested response and corrective action above. You will be notified following our review. At that time, staff in the Enforcement Unit would be willing to meet with representatives of your company to discuss this matter and any mitigating circumstances the company feels should be considered prior to staff making a final determination on the amount of stipulated fines to be assessed

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rule 912 and Consent Order AQD No. 4-1994 by March 6, 2001 (which coincides with 21 calendar days from the date of this letter).

As a minimum, this report should explain the causes of the violations, remedial action taken, and what steps are being taken to prevent a reoccurrence. If the violations are not resolved by the date of your response, procedures you will implement, or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the Air Quality Division may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley,  
Environmental Engineer  
517-705-3409

dgt/daa

Enclosure: Rule 912

cc: Gerald Avery, Field Operations Supervisor, DEQ  
Timothy McGarry, Enforcement Unit Supervisor, DEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	
	)	
CEMEX	)	FINDING OF VIOLATION
Charlevoix, Michigan	)	
	)	EPA-02-MI-16
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	
_____	)	
	)	
	)	

Finding of Violation

The United States Environmental Protection Agency (U.S. EPA) finds that CEMEX is violating Section 111(e) of the Clean Air Act (Act), 42 U.S.C. § 7411(e). Specifically, CEMEX is violating the New Source Performance Standards (NSPS) for Portland Cement Plants (Subpart F), 40 C.F.R. Part 60 as follows:

Regulatory Authority

1. On July 25, 1977, under Section 111(e) of the Act, U.S. EPA promulgated the Standards of Performance for Portland Cement Plants. 40 C.F.R. Part 60, Subpart F, §§ 60.60 - 60.66.
2. 40 C.F.R. § 60.60(a) specifies that the provisions of Subpart F apply to kilns, clinker coolers, raw mill systems, finish mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.
3. Any facility under 40 C.F.R. § 60.60(a) that commences construction or modification after August 17, 1971, is subject to the requirements of Subpart F.
4. 40 C.F.R. § 60 Subpart A, states that owners and operators shall maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Monitoring results and opacity observation results, among other things, are acceptable procedures for the determination of whether an affected facility is operating control equipment in a manner consistent with good air pollution control practice. 40 C.F.R. § 60.11(d).

5. 40 C.F.R. § 60.62(a)(2) states that no owner or operator subject to the provision of this subpart shall cause to be discharged into the atmosphere from any kiln any gases which exhibit greater than 20 percent opacity.

6. 40 C.F.R. § 60.62(c) states that no owner or operator of any affected facility other than the kiln and clinker cooler may discharge or cause the discharge of any gases into the atmosphere exhibiting greater than 10 percent opacity.

#### Factual Background

7. CEMEX owns and operates a portland cement plant at 16000 Bells Bay Road, Charlevoix, Michigan. The CEMEX plant commenced modification after August 17, 1971, and therefore is subject to 40 C.F.R. Part 60 Subpart F.

8. The kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems located at this plant are affected facilities as per 40 C.F.R. § 60.60(a).

9. On June 6, 2002, the Michigan Department of Environmental Quality (MDEQ) conducted an inspection at CEMEX. During the inspection, Method 9 opacity readings were performed on the visible emissions released from affected facilities documenting violations of 40 C.F.R. § 60, Subpart F Standards.

10. Continuous opacity monitoring excess emission reports (EER) for the facility also demonstrate exceedances of the opacity limits contained in 40 C.F.R. § 60, Subpart F.

#### Violations

11. CEMEX did not maintain or operate air pollution control devices in a manner consistent with good air pollution practices. Exceeding opacity limits represents an operation not consistent with good air pollution control practice for minimizing emissions, and violates 40 C.F.R. § 60.11(d).

12. Method 9 opacity readings performed by MDEQ, at the enclosure for the South Conditioning Tower resulted in violation of 40 C.F.R. § 60.62(c), as follows:

**South Conditioning Tower Enclosure**

Date	Time	Reading/avg. %	Limit
6-06-02	11:57- 12:03	37.1	10%
	12:03- 12:09	35.0	

13. As presented below, continuous opacity monitoring EER for the main stack and the bypass stack, demonstrate violations of 40 C.F.R. § 60.62(a) (2):

**Main Stack**

Monitoring Period	Percent of Operating Time Above the Limit	Limit
12-01-01 Through 1-01-02	5.26	20%
3-01-02 4-01-02	7.17	

**Bypass stack**

Monitoring Period	Percent of Operating Time Above the Limit	Limit
5-01-02 Through 6-01-02	7.07	20%

9/10/2002  
Date

Stephen Rothblatt, Acting Director  
Air and Radiation Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

CEMEX	)	NOTICE OF VIOLATION
Charlevoix, Michigan	)	
Proceedings Pursuant to	)	EPA-02-MI-17
Section 113(a)(1) of the	)	
Clean Air Act,	)	
42 U.S.C. § 7413(a)(1)	)	
	)	

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA), is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (Act). U.S. EPA finds that CEMEX is violating the Michigan State Implementation Plan (SIP) regulations R336.1301, R336.1370, R336.910 and Permit No. 700-77A.

Statutory and Regulatory Background

1. R336.1301 (Rule 301) was approved by U.S. EPA on July 13, 1992, as part of the federally enforceable SIP for Michigan. 57 Fed. Reg. 24752. Rule 301 states that a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than the most stringent of the following:

(a) A six minute average of 20% opacity, except for one 6-minute average per hour of not more than 27% opacity.

(b) A limit specified by an applicable federal new source performance standard.

(c) A limit specified as a condition of a permit to install or permit to operate.

2. R336.1370 (Rule 370) was approved by U.S. EPA, on November 15, 1982, as part of the federally enforceable SIP For Michigan. 47 Fed. Reg. 51398. Rule 370 states that collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency, and the collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to



the outer air.

3. R336.1910 (Rule 910) was approved on May 6, 1980, as part of the federally enforceable SIP for Michigan. 45 Fed. Reg. 29790. Rule 910 states that an air-cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with these rules and existing law.

4. Permit No. 700-77A was issued to CEMEX pursuant to Part 2 of the Michigan Air Pollution Control Commission General Rules R336.1201 through R336.1285, pertaining to installation of new sources of air emission. These Rules were approved by U.S. EPA as part of the federally enforceable SIP for Michigan, on May 6, 1980, at 45 Fed. Reg. 29790.

#### Factual Background

5. CEMEX owns and operates a portland cement plant located at 16000, Bells Bay Road, Charlevoix, Michigan.

6. CEMEX's plant is subject to the requirements set forth in the Michigan SIP Rules 301, 370, 910 and Permit NO. 700-77A.

7. On February 22, 2002 and June 6, 2002, the Michigan Department of Environmental Quality (MDEQ) inspected the CEMEX facility. During the inspections, Method 9 opacity readings were performed on the visible emissions released from several sources, documenting violations of the Rule 301 and the permit limits. Additionally, during the inspections, MDEQ witnessed violations of the Rules 370, 910 and Permit No. 700-77A.

8. Continuous opacity monitoring excess emission reports (EER) for the facility also demonstrate exceedances of the opacity limits contained in Rule 301.

#### Violations

9. On June 6, 2002, MDEQ conducted an inspection of the CEMEX facility. During this inspection the MDEQ representative witnessed the following violations:

Emission Source/Process	Rule/Permit Condition Violated	Description
Secondary crusher baghouse	Rule 910	Excess opacity from the secondary crusher baghouse. Emissions are not present when the baghouse is maintained and operated properly
Collected air contaminants from the gravel bed filter	Rule 910 Rule 370	The collected clinker fines were being discharged from the gravel bed filter. Part of the dust was hitting the ground from the chutes and then began to rise into the air. Another portion of the dust never made it to the ground, because it began to rise into the air before getting a chance to hit the ground.
The South Conditioning Tower (SCT) enclosure.	Rule 301 Rule 370 Permit No. 700-77A, condition 12 stating that visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity	Two 6-minute, Method 9 readings documented opacities of 37.1% and 35%.  The emissions from the SCT are collected air contaminants and they were being re-introduced into the outer air.

10. On February 22, 2002, MDEQ conducted an inspection of the CEMEX facility. During this inspection the MDEQ representative observed the following violations:

Emission Source/Process	Rule/Permit Condition Violated	Description
The North Conditioning Tower (NCT) and pug mill	Rule 370	The cement kiln dust (CKD) from the pug mill and the NCT was being allowed to be re-introduced into the outer air. The area between the two sources was covered with a large amount of un-wetted CKD, additionally, the CKD that is destined for the landfill was being piled near the NCT in a large pile.

11. As presented below, continuous opacity monitoring EER for the main stack and the bypass stack, demonstrate violations of the Rule 301 and conditions of Permit No. 700-77A:

**Main Stack**

Monitoring Period	Percent of Operating Time Above the Limit	Limit
12-01-01 Through 1-01-02	5.26	20%
3-01-02 4-01-02	7.17	

**Bypass stack**

Monitoring Period	Percent of Operating Time Above the Limit	Limit
5-01-02 Through 6-01-02	7.07	20%

9/10/2002  
Date

Stephen Rothblatt, Acting Director  
Air and Radiation Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	
	)	
CEMEX	)	FINDING OF VIOLATION
Charlevoix, Michigan	)	
	)	EPA-02-MI-01
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	
_____	)	
	)	
	)	

Finding of Violation

The United States Environmental Protection Agency (U.S. EPA) finds that CEMEX is violating Section 111(e) of the Clean Air Act (Act), 42 U.S.C. § 7411(e). Specifically, CEMEX is violating the New Source Performance Standards (NSPS) for Portland Cement Plants, 40 C.F.R. Part 60 Subpart F as follows:

Regulatory Authority

1. On July 25, 1977, under Section 111(e) of the Act, U.S. EPA promulgated the Standards of Performance for Portland Cement Plants. 40 C.F.R. Part 60, Subpart F, §§ 60.60 - 60.66.
2. 40 C.F.R. § 60.60(a) specifies that the provisions of Subpart F apply to kilns, clinker coolers, raw mill systems, finish mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.
3. Any facility subject to the provisions of 40 C.F.R. § 60.60(a) that commences construction or modification after August 17, 1971, is subject to the requirements of Subpart F.
4. 40 C.F.R. § 60 Subpart A, states that owners and operators shall maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Monitoring results and opacity observation results, among other things, are relevant to the determination of whether an affected facility is operating a control equipment in a manner consistent with good air pollution control practice. 40 C.F.R. § 60.11(d).

5. 40 C.F.R. § 60.62(a)(2) states that no owner or operator subject to the provision of Subpart F shall cause to be discharged into the atmosphere from any kiln any gases which exhibit greater than 20 percent opacity.

6. 40 C.F.R. § 60.62(b)(2) states that no owner or operator subject to the provision of Subpart F shall cause to be discharged into the atmosphere from any clinker cooler any gases which exhibit greater than 10 percent opacity.

7. 40 C.F.R. § 60.62(c) states that no owner or operator of any affected facility under Subpart F other than the kiln and clinker cooler may discharge or cause the discharge of any gases into the atmosphere exhibiting greater than 10 percent opacity.

#### Factual Background

8. CEMEX owns and operates a portland cement plant at 16000 Bells Bay Road, Charlevoix, Michigan. The CEMEX plant commenced modification after August 17, 1971, and therefore is subject to 40 C.F.R. Part 60 Subpart F.

9. The kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems located at this plant are affected facilities under 40 C.F.R. § 60.60(a).

10. Representatives from U.S. EPA and its delegated agent, Michigan Department of Environmental Quality (MDEQ) have conducted inspections at CEMEX. During the inspections, Method 9 opacity readings were performed on the visible emissions released from several affected facilities. The reading documented violations of 40 C.F.R. § 60, Subpart F Standards.

11. Continuous opacity monitoring excess emission reports (EER) the plant submitted to MDEQ also demonstrate exceedances of the opacity limits contained in 40 C.F.R. § 60, Subpart F.

#### Violations

12. CEMEX did not maintain or operate air pollution control devices in a manner consistent with good air pollution practices. Exceeding opacity limits represents an operation not consistent with good air pollution control practice for minimizing emissions, and violates 40 C.F.R. § 60.11(d).

13. Method 9 opacity readings conducted by U.S. EPA at the clinker bucket elevator bypass chute at the plant documented violation of 40 C.F.R. § 60.62(c), as follows:

**Clinker Bucket Elevator Bypass Chute**

Date	Time	Reading/avg.%	Limit
7-25-01	10:27-10:33	99.6	10%
	10:33-10:39	99.6	
	10:39-10:45	91.25	
	10:45-10:51	79.17	
	10:51-10:57	75.58	

14. Method 9 opacity readings performed by MDEQ, at the enclosure for the North Conditioning Tower at the plant demonstrated violation of 40 C.F.R. § 60.62(c), as follows:

**North Conditioning Tower Enclosure**

Date	Time	Reading/avg.%	Limit
7-24-01	4:12-4:18	56.7	10%
	4:18-4:24	64.58	

15. Method 9 opacity readings performed by MDEQ, at the A-frame storage building at the plant resulted in violation of 40 C.F.R. § 60.62(c), as follows:

**A-Frame Storage Building**

Date	Time	Reading/avg.%	Limit
6-25-01	11:33-11:39	21.7	10%

16. Method 9 opacity readings performed by MDEQ, at the Finish Mill #3 stack at the plant resulted in violation of 40 C.F.R. § 60.62(c), as follows:

Finish Mill #3 Stack

Date	Time	Reading/avg. %	Limit
6-25-01	1:45-1:51	15.6	10%
	1:51-1:57	18.1	
	1:57-2:03	17.7	
	2:03-2:09	19.4	

17. Method 9 opacity readings performed by MDEQ, at the enclosure for the South Conditioning Tower at the plant resulted in violation of 40 C.F.R. § 60.62(c), as follows:

South Conditioning Tower Enclosure

Date	Time	Reading/avg. %	Limit
6-25-01	2:45-2:51	13.3	10%
	2:51-2:57	58.3	
2-15-01	2:14-2:20	53.54	
	2:20-2:26	24.8	

18. Method 9 opacity readings performed by MDEQ, at the loading silo baghouse at the plant documented violation of 40 C.F.R. § 60.62(c), as follows:

Loading Silo Baghouse

Date	Time	Reading/avg. %	Limit
6-14-01	2:49-2:55	24.8	10%
	2:55-3:01	26	

19. As presented below, continuous opacity monitoring EER for the plant for February 2001, demonstrate violations of 40 C.F.R. § 60.62(a) (2) and 60.62(b) (2):

Main Stack

Monitoring Period	Percent of Operating Time Above the Limit	Limit
2-01-01 through 3-01-01	8.47	20%

Clinker Cooler/Gravel Bed Stack

Monitoring Period	Percent of Operating Time Above the Limit	Limit
2-01-01 through 3-01-01	8.30	10%

12-31-01

Date

Bharat Mathur, Director  
Air and Radiation Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
 )  
CEMEX ) NOTICE OF VIOLATION  
Charlevoix, Michigan )  
 ) EPA-02-MI-02  
Proceedings Pursuant to )  
Section 113(a)(1) of the )  
Clean Air Act, )  
42 U.S.C. § 7413(a)(1) )  
\_\_\_\_\_ )

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA), is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (Act). U.S. EPA finds that CEMEX is violating the Michigan State Implementation Plan (SIP) regulations R336.1201.

Statutory and Regulatory Background

1. On May 6, 1980, U.S. EPA approved R336.1201 (Rule 201) as part of the federally enforceable SIP for Michigan. 45 FR 29790.
2. Rule 201 states that a person shall not construct, reconstruct, relocate, or alter any process, fuel-burning, or refuse-burning equipment, or control equipment pertaining thereto, which may be a source of an air contaminant, until a permit is issued by the commission.

Factual Background

3. CEMEX owns and operates a portland cement plant located at 16000, Bells Bay Road, Charlevoix, Michigan.
4. CEMEX's plant is subject to the requirements set forth in the Michigan SIP Rule 201.

Violation

5. CEMEX has installed three dust collectors identified as DC4, DC5, and DC6 without having first obtained a permit to install as required under Rule 201.

12-31-01

Date

Bharat Mathur, Director  
Air and Radiation Division



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

April 6, 2005

CERTIFIED LETTER – 7004-2510-0003-2355-4601

**FILE**

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On January 28, 2005, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of the Federal Clean Air Act; Article II, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), the administrative rules, the conditions of your Air Use Permit to Install No(s). 700-77A, 128-85, 574.85, 61-86, 701-86, 426-97, and 466-99; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). The violations found during the inspection are included in the table below.

Additionally, this letter is in regards to the submitted December 2004, January 2005, and February 2005 Opacity Excess Emission Report (EER), which was reviewed by the DEQ, AQD. The EER was reviewed with respect to the requirements of Act 451, the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon reviewing the submitted EERs, the following violations were determined:

Process Description	Rule/Permit Condition Violated	Comments
North Conditioning Tower (NCT)	Permit 700-77A, Special Condition No. 12 – Visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity.  40 CFR 60.1348 – The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system; and each	One 6-minute Method 9 visible emission reading was performed. The reading resulted in opacity of 15.8% both above the 10% opacity limit.

	existing raw material dryer, at a facility which is a major source subject to the provisions of this subpart shall not cause to discharged any gases from these affected sources which exhibit opacity in excess of ten percent.	
North Conditioning Tower (NCT)	Rule 370 – Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.	<p>The NCT is designed to contain collected air contaminants, and they were being allowed to be reintroduced into the outer air.</p> <p>The road that ran in front of the new NCT enclosure was covered with CKD, that was being picked up by the wind and being blown from the site. The CKD originated from the new NCT enclosure.</p>
Opacity exceedances from the Main Stack	<p>40 CFR 63.1343 (b)(2),</p> <p>40 CFR 63.1350(c)(3),</p> <p>Permit No. 700-77A, Special Condition No. 11.</p> <p>(All cited regulations and permit condition are stated below.)</p>	<p><b>December 2004:</b> Opacity exceedances occurred on the main stack for 1488 minutes out of a total of 28332 minutes of operating time, resulting in opacity exceedances for 5.25% of the total operating time for December 2004.</p> <p><b>January 2005:</b> Opacity exceedances occurred on the main stack for 2040 minutes out of a total of 42450 minutes of operating time, resulting in opacity exceedances for 4.81% of the total operating time for January 2005.</p> <p><b>February 2005:</b> Opacity exceedances occurred on the main stack for 1152 minutes out of a total of 22842 minutes of operating time, resulting in opacity exceedances for 5.04% of the total operating time for February 2005.</p>

## 40 CFR 63.1343

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:

(2) Exhibit opacity greater than 20 percent."

## 40 CFR 63.1350

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rule 370 and your Permit to Install No. 700-77A, and Federal NESHAPS LLL by April 26, 2005. At a minimum, this report should explain the causes and duration of the violations, whether the violations are ongoing, remedial action taken, and what steps are being taken to prevent a reoccurrence. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and *by what dates* these actions will take place.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

## Enclosure

cc: Mr. Courtney Schmidt, CEMEX, Inc.  
Mr. Farro Assadi, USEPA, Region V  
Mr. Gerald Avery, DEQ  
Mr. Thomas Hess, DEQ  
Ms. Janis Denman, DEQ



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



JENNIFER M. GRANHOLM  
GOVERNOR

STEVEN E. CHESTER  
DIRECTOR

October 26, 2004

CERTIFIED LETTER – 7003-2260-0005-0754-0504

**FILE**

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

This letter is in regards to the submitted September 2004 Opacity Excess Emission Report (EER) dated October 8, 2004, which was reviewed by the Department of Environmental Quality (DEQ), Air Quality Division (AQD). The EER was reviewed with respect to the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451), the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon reviewing the submitted EER, the following violations were determined:

Process Description	Rule/Permit Condition Violated	Comments
Opacity exceedances from the Main Stack	40 CFR 63.1343 (b)(2), 40 CFR 63.1350(c)(3), Permit No. 700-77A, Special Condition No. 11.  (All cited regulations and permit condition are stated below.)	Opacity exceedances occurred on the main stack for 1596 minutes out of a total of 30534 minutes of operating time, resulting in opacity exceedances for 5.23% of the total operating time for September 2004.

**40 CFR 63.1343**

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:

(2) Exhibit opacity greater than 20 percent."

**40 CFR 63.1350**

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20

percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

Since the narrative that accompanied the submitted records was complete and solutions to these violations are being worked out between CEMEX, the U.S. Environmental Protection Agency, (USEPA) and the DEQ, AQD, a request for a compliance plan is not being requested.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Mr. Cortney Schmidt, CEMEX, Inc.  
Mr. Farro Assadi, USEPA, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

October 14, 2004

CERTIFIED MAIL – 7003-2260-0005-0754-0467

**FILE**

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On September 21, 2004, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of the Federal Clean Air Act; Article II, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the administrative rules; the conditions of your Air Use Permit to Install No(s). 700-77A, 128-85, 574-85, 61-86, 701-86, 426-97, and 466-99; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358).

During my inspection I observed the following air pollution violations:

Process Description	Rule/Permit Condition Violated	Comments
Fugitive Dust Program, Condition No. 12, which states, "...will conduct training classes on the Fugitive Dust Control Program for all employees every six (6) months, ½ hour per employee per session, one (1) hour annual total.	Permit to Install No. 700-77A, Special Condition No. 26, which states, "Applicant shall operate this facility in strict conformance with the fugitive dust program as specified in Appendix D.	Records provided by CEMEX indicated the last time that the required training was conducted prior to the inspection (conducted on September 21, 2004) was December 17, 2003. The time between the last training and the date of the inspection is much greater than 6 months. Additionally, the training conducted on December 17, 2003 was only for supervision and the control room operators, not all employees as required.
Street sweeper collected air contaminants.	Rule 370(1), which states, "...The collection and disposal of air contaminants shall be	The street sweeper had dumped its collected air contaminants into a pile that



	performed in a manner as to minimize the introduction of contaminants to the outer air.	was halfway into the South Conditioning Tower (SCT) enclosure. Therefore, half of the pile was in the enclosure, and the other half of the pile was outside of the enclosure where it can be picked up by the wind. If the entire pile of contaminants had been dumped into the SCT enclosure, then a violation would not have resulted.
Fugitive Dust Program, Condition No. 1, which states, "... will continue to the use of Lignin Di Sulfide or an equally effective material on quarry haulage and unpaved plant roads for the control of dust..."	Permit to Install No. 700-77A, Special Condition No. 26, which states, "Applicant shall operate this facility in strict conformance with the fugitive dust program as specified in Appendix D.	<p>The roadway on the north side of the facility from the bypass stack to the burner building and the road between the North Conditioning Tower (NCT) and SCT were very dusty and needed to be watered.</p> <p>The roadways that needed water applied included a very dusty portion of the road near the north ramp that enters the burner building. A "Gator" was observed driving through this very dusty portion of the road twice during the inspection of this portion of the plant.</p> <p>During the inspection, it was learned that the main water truck was in for repairs and that the facility was operating the backup water truck in the quarry. After the violation was pointed out to CEMEX staff, the backup water truck was called in to water some of the areas of concern.</p>
Fugitive Dust Program, Condition No. 4, which states, "...will continue the use of the water truck...for the purposes of spraying spill areas..."	<p>Permit to Install No. 700-77A, Special Condition No. 26, which states, "Applicant shall operate this facility in strict conformance with the fugitive dust program as specified in Appendix D.</p> <p>Rule 370, stated above.</p>	<p>The area around the NCT had spilled cement kiln dust (CKD) that needed to be watered.</p> <p>Additionally, the old NCT enclosure was in use and the tarp door had been ripped off</p>

		it. CKD from the NCT was outside of the enclosure and in violation of the fugitive dust plan and Rule 370.
Clinker ladder pit with enclosure controlled by a baghouse.	<p>Permit 700-77A, Special Condition No. 12 – Visible emissions from the clinker cooler and all other dry process sources shall not exceed 10% opacity.</p> <p>40 CFR 63.1348 – The owner or operator of each new or existing raw material, clinker, or finished product storage bin; conveying system transfer point; bagging system; and bulk loading or unloading system; and each existing raw material dryer, at a facility which is a major source subject to the provisions of this subpart shall not cause to be discharged any gases from these affected sources which exhibit opacity in excess of ten percent.</p> <p>Rule 910 states, "An air-cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with these rules and existing law.</p>	<p>Method 9 Visible emission readings were performed on the doorway of the clinker ladder pit enclosure. The 6-minute visible emission readings resulted in opacities of 85.2% and 52.5%. A copy of this reading is enclosed.</p> <p>The door of the enclosure was in disrepair, which may have contributed to why the enclosure control, the baghouse, could not control the emissions during this event. The failure of the enclosure controlled by the baghouse is also a violation of Rule 910.</p>
Uncontrolled screen used to screen "off-spec" clinker.	<p>Rule 201(1) – A person shall not construct, reconstruct, relocate, alter, or modify any process or process equipment, including control equipment pertaining thereto, which may emit an air contaminant, unless a permit to install which authorizes such action is issued by the department...</p> <p>Rule 290(a)(iii) is stated below.</p>	<p>This screen was found in the area outside the clinker domes. There is no permit exemption for operating this screen outside the clinker domes.</p> <p>The facility informed AQD staff that it thought a permit was not needed because they were using the Rule 290(a)(ii) exemption. However, the facility was not in compliance with Rule 290(a)(iii), which requires a fabric filter for control.</p>

Rule 290(a)(iii) states,

"Any emission unit that emits only non-carcinogenic particulate air contaminants and other contaminants that are exempted under paragraphs (i) or (ii) of this subdivision if all the following provisions are met:

- (A) the particulate emissions are controlled by an appropriately designed and operated fabric filter collector or an equivalent control system which is designed to control particulate matter to a concentration of less than or equal to 0.01 pounds of particulate per 1,000 pounds of exhaust gases and which do not have an exhaust gas flow rate more than 30,000 actual cubic feet per minute.
- (B) The visible emissions from the emission unit are not more than 5% opacity in accordance with the methods contained in R 336.1303.
- (C) The initial threshold screening level for each particulate air contaminant, excluding nuisance particulate, is more than 2.0 micrograms per cubic meter.

Please note that the uncontrolled screen used to screen "off-spec" clinker was cited by the AQD previously for violations of Rule 201 in letters dated October 18, 2002, and August 6, 2002.

In response to the August 6, 2002 letter from the AQD, CEMEX submitted a letter dated August 15, 2002, stating that,

"CEMEX understands that this screen is not permitted for use outside the clinker domes."

In response to the October 18, 2002 letter from the AQD, CEMEX submitted a letter dated October 28, 2002, stating that,

"CEMEX will either install the screen in an enclosed building with adequate existing dust control or remove it from our site by November 30, 2002.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Permit to Install No. 700-77A, the Portland Cement MACT, Rule 201, Rule 370, Rule 910, and the Fugitive Dust Program by November 3, 2004. At a minimum, this report should explain the causes of the violations, date when the clinker screen was installed, remedial action taken, what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be aware that state and federal air pollution regulations prohibit your company from obtaining any new air use permits for major offset sources located in Michigan until the cited violations are corrected or until you have entered into a legally enforceable order or judgment specifying an acceptable program and schedule for compliance.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of your facility. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

Enclosure

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Mr. Cortney Schmidt, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

October 11, 2004

CERTIFIED LETTER – 7003-3110-0001-6787-8149

**FILE**

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

This letter is in regards to the May 2004, June 2004, July 2004, and the August 2004 Opacity Excess Emission Reports (EERs) which were reviewed by the Department of Environmental Quality (DEQ), Air Quality Division (AQD). The EERs were reviewed with respect to the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451), the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon reviewing the submitted EERs, the following violations were determined:

Process Description	Rule/Permit Condition Violated	Comments
Opacity exceedances from the Main Stack	40 CFR 63.1343 (b)(2), 40 CFR 63.1350(c)(3), Permit No. 700-77A, Special Condition No. 11.  (All cited regulations and permit condition are stated below.)	Opacity exceedances occurred on the main stack for 1830 minutes out of a total of 39498 minutes of operating time, resulting in opacity exceedances for 4.63% of the total operating time for May 2004.  Opacity exceedances occurred on the main stack for 1500 minutes out of a total of 40098 minutes of operating time, resulting in opacity exceedances for 3.74% of the total operating time for June 2004.  Opacity exceedances occurred on the main stack for 1554 minutes out of a total of 39570 minutes of operating time, resulting in opacity exceedances for 3.93% of the total operating time for July 2004.

		Opacity exceedances occurred on the main stack for 1470 minutes out of a total of 42714 minutes of operating time, resulting in opacity exceedances for 3.44% of the total operating time for August 2004.
--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 40 CFR 63.1343

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:

(2) Exhibit opacity greater than 20 percent."

## 40 CFR 63.1350

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

—"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

Since the narrative that accompanied the submitted records was complete and solutions to these violations are being worked out between CEMEX, the U.S. Environmental Protection Agency, (USEPA) and the DEQ, AQD a request for a compliance plan is not being requested.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Mr. Courtney Schmidt, CEMEX, Inc.  
Mr. Farro Assadi, USEPA, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



JENNIFER M. GRANHOLM  
GOVERNOR

STEVEN E. CHESTER  
DIRECTOR

May 27, 2004

CERTIFIED LETTER – 7003-0500-0005-3999-4796

**FILE**

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On May 11, 2004, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received the April 2004 Opacity Excess Emission Reports (EERs). The EERs were reviewed with respect to the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451), the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon reviewing the submitted EERs, the following violations were observed:

Process Description	Rule/Permit Condition Violated	Comments
Opacity exceedances from the Main Stack	40 CFR 63.1343 (b)(2),  40 CFR 63.1350(c)(3),  Permit No. 700-77A, Special Condition No. 11.  (All cited regulations and permit condition are stated below.)	Opacity exceedances occurred on the main stack for 2088 out of a total of 21276 minutes of operating time, resulting in opacity exceedances for 9.81% of the total operating time for April 2004.

**40 CFR 63.1343**

- (b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:  
(2) Exhibit opacity greater than 20 percent."

**40 CFR 63.1350**

- (c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.  
(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20

percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

You should immediately initiate the necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A; 40 CFR 63.1343 (b)(2), and 40 CFR 63.1350(c)(3) by June 17, 2004. The program for compliance should include the steps that are being taken to prevent a reoccurrence, and what procedures you are following for kiln and roller mill startup and shutdown. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place. Additionally, this report shall include details of how the emissions from the source were "minimized to the greatest extent possible" during the excess opacity events.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Additionally, I want to thank CEMEX for the additional narrative information regarding the April 2004 excess emissions. The information has aided the AQD in our understanding of the problems that CEMEX encountered and the steps taken to correct the opacity exceedances from the main stack.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Mr. Cortney Schmidt, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ





JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

RECEIVED

FEB 10 2004

AIR QUALITY DIV.

February 9, 2004

CERTIFIED MAIL – 7003-0500-0005-3999-4604

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On January 29, 2004, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received your semi-annual report as required by 40 CFR 63.1354(b)(9) otherwise referred to as the Portland Cement Maximum Achievable Control Technology (PC MACT) rule from your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The report was reviewed to determine if it was in compliance with the PC MACT. The following violation was found upon review of the submitted report:

Process Description	Rule/Permit Condition Violated	Comments
The Bypass Stack has a temperature limit of 219.5° F that is used to demonstrate compliance with the Dioxin/Furan limit established in the PC MACT	40 CFR 63.1343(b)(3)(ii) – 0.40 ng per dscm ( $1.7 \times 10^{-10}$ gr per dscf) (TEQ) corrected to seven percent oxygen, when the average of the performance test run average temperature at the inlet to the particulate matter control device is 204 °C (400 °F) or less.	<p>The Bypass Stack was out of compliance for 65,568 minutes out of 234,555 minutes of operating time from July 1, 2003 through December 31, 2003. This equates, as reported, for temperature to be out of compliance 27% of the operating time.</p> <p>Additionally, at the top of the submitted Bypass Excess Emission Report (EER) enclosed, that included this information, the wrong emission limit is stated. The temperature of 344.4 °F is shown when the actual temperature limit is 219.5 °F.</p>

February 9, 2004

You should immediately initiate necessary actions to correct the cited violation. Additionally, please submit a report of your program for compliance with 40 CFR 63.1343(b)(3)(ii) that will be received by the AQD, Gaylord Field Office by February 23, 2004. At a minimum, this report should explain the causes of the violation, whether the violation is ongoing, remedial action taken, and what steps are being taken to prevent a reoccurrence. If the violation is not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violation cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

Enclosure: Bypass Excess Emission Report

cc/enc: Mr. Daniel W. Heintz, CEMEX, Inc.

Ms. Michele Buckler, CEMEX, Inc.

Mr. Farro Assadi, United States Environmental Protection Agency, Region V

Mr. Gerald Avery, Field Operations Supervisor, DEQ

Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ

Ms. Janis Denman, District Supervisor, DEQ



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



JENNIFER M. GRANHOLM  
GOVERNOR

STEVEN E. CHESTER  
DIRECTOR

RECEIVED

FEB 10 2004

February 9, 2004

CERTIFIED LETTER – 7003-0500-0005-3999-4611

AIR QUALITY DIV.

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On February 6, 2004, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received the January 2004 Opacity Excess Emission Reports (EERs). The EERs were reviewed with respect to the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451), the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon reviewing the submitted EERs, copy enclosed, the following violations were observed:

**Process Description**

**Rule/Permit Condition  
Violated**

**Comments**

Opacity exceedances from the Main Stack	40 CFR 63.1343 (b)(2), 40 CFR 63.1350(c)(3), Permit No. 700-77A, Special Condition No. 11.  (All cited regulations and permit condition are stated below.)	Opacity exceedances occurred on the main stack for 3612 out of a total of 308226 minutes of operating time, resulting in opacity exceedances for 12% of the total operating time for January 2004.  Additionally, please note that the cover letter stated that there were 378 minutes of opacity exceedance on January 15, 2004 (incorrect). The value listed in the EER was 762 minutes. The initial report received by e-mail from CEMEX also indicated that there were 762 minutes of
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		excess emissions on January 15, 2004. Also, the reportable excess opacity event that took place on January 28, 2004 was also not included in the cover letter.
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## 40 CFR 63.1343

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:

(2) Exhibit opacity greater than 20 percent."

## 40 CFR 63.1350

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A; 40 CFR 63.1343 (b)(2), and 40 CFR 63.1350(c)(3) by February 23, 2004. At a minimum, this report should explain the causes of the violations, the remedial action taken, what steps are being taken to prevent a reoccurrence, and what procedures you are following for kiln and roller mill startup and shutdown. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place. Additionally, this report shall include details of how the emissions from the source were "minimized to the greatest extent possible" during the excess opacity events.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

February 9, 2004

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

Enclosure: January 2004 Opacity Excess Emission Reports

cc: Mr. Daniel W. Heintz, CEMEX, Inc.

Ms. Michele Buckler, CEMEX, Inc.

Mr. Rich Leneave, CEMEX, Inc.

Mr. Gerald Avery, Field Operations Supervisor, DEQ

Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ

Ms. Janis Denman, District Supervisor, DEQ

cc/enc: Mr. Farro Assadi, United States Environmental Protection Agency, Region V



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

February 4, 2004

COPY  
FILE

CERTIFIED MAIL – 7003-0500-0005-3999-4598

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On December 2, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of the Federal Clean Air Act; Article II, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451), the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). This letter specifically addresses the monthly visible emission readings and copies of the records that were obtained and inspected by the AQD to determine compliance with 40 CFR 63.1350(a)(4)(i).

After reviewing the required monthly visible emission records that are required by 40 CFR 63.1350(a)(4)(i), a call was made to Ms. Michele Buckler on December 5, 2003, to discuss the results of the record review and to give CEMEX an opportunity to submit additional information or correct the records so that some of the violations found could possibly be dismissed. For example, the records indicate that there is equipment that did not have a monthly visible emission reading performed on it during a month. If supporting documentation had been sent to the AQD that demonstrated that the equipment had not operated during that month, then no violation would exist. However, the AQD was not sent any information to document such a situation; so as a result, it is assumed that the equipment did operate during the month(s) in question.

During the review of the monthly visible emission records, the following air pollution violations were identified:

Process Description	Rule/Permit Condition Violated	Comments
Monthly visible emission (VE) testing was not performed as required.	40 CFR 63.1350(a)(4)(i) – which is stated below.	See the list below for the equipment that was not properly tested.

**40 CFR 63.1350(a)(4)(i):**

"The owner or operator must conduct a monthly 1-minute visible emission test of each affected source in accordance with Method 22 of Appendix A to part 60 of this chapter. The test must be conducted while the affected source is in operation."

**Equipment not in operation when VE testing was conducted**

**September 2003:** The equipment listed below was not being operated during the time that the VEs were performed (VEs performed on September 11, 2003):

- #3 top of Old Silos Dust Collector
- Top of New silos NW Collector
- Dome #1
- Dome #2
- Clinker Dome Dust Collector

**October 2003:** The equipment listed below was not being operated during the time that the VEs were performed (VEs performed on October 1, 2003 and October 31, 2003):

- Collector below Silos #1-6 (east silo door)
- Collector below Silos #1-6 (west silo door)

Additionally, the records indicate that the clinker dome dust collector could not be read because it was being taken out of service. However, the clinker domes 1 and 2, which the collector controls, were in operation and had visible emission readings performed on them. The clinker dome dust collector is to be operated when the domes are in use. Please explain why the clinker dome dust collector was not in operation, but the domes were.

Also, the dates on which the one-minute readings were performed were difficult to read. The AQD believes that some of the equipment was not in operation on October 1, when the VE readings were originally attempted. Then on October 31, 2003 the VE readings were performed with the equipment in operation. At times, there appears to be two dates listed for readings, but three answers as to whether the equipment was in operation (for example, see Clinker Reclaim Tunnel Dust Collector). Please examine this situation and make the VE reading attempts and actual VE readings more clear. This may prevent future violations of the standard. No violations for this confusion are being cited at this time, however, if in the future the records can not be understood, a violation may be cited.

**November 2003:** The equipment listed below was not being operated during the time that the VEs were performed (VEs performed on November 3, 2003 and November 19, 2003):

- Clinker Dome #1
- Clinker Dome #2
- Clinker Dome dust collector
- Clinker reclaim tunnel
- Clinker transfer house dust collector
- Bucket elevator new silos dust collector (M-1105),
- Top of new silos SE collector (M-1115)
- Top of new silos NW collector (M-1161)
- Collector below Silos #1-6 (west silo door)

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with 40 CFR 63.1350(a)(4)(i) by February 17, 2004. At a minimum, this report should explain the causes of the violations, whether the violations are ongoing, remedial action taken, and what steps are being taken to prevent a reoccurrence. If the violations are not resolved by the date of your response, describe the procedures you will implement, or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ





STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING

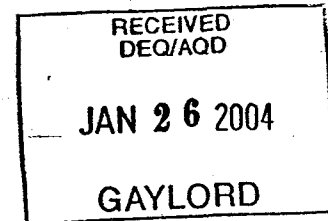
JENNIFER M. GRANHOLM  
GOVERNOR



STEVEN E. CHESTER  
DIRECTOR

January 21, 2004

Mr. Bud McCormick  
Plant Manager  
Cemex, Inc.  
16000 Bells Bay Road  
Charlevoix, MI 49720



SRN: B1559

**LETTER OF VIOLATION**

Dear Mr. McCormick:

SUBJECT: Fourth Quarter 2003 Excess Emission Monitoring Report

In a review of the Fourth Quarter 2003 excess emission and summary reports, it has been noted that the sulfur dioxide (SO<sub>2</sub>) continuous emission monitor system (CEMS), that services your main stack, experienced poor monitor availability. The Air Quality Division (AQD), Permit Number 700-77A, requires Cemex, Inc. (Cemex), to monitor and record the SO<sub>2</sub> on a continuous basis in a manner and with instrumentation acceptable to the AQD. During the Fourth Quarter 2003, Cemex reported the SO<sub>2</sub> CEMS out of service for 7.32 percent of the total source operating time. In the past year, that system has also reported a monitor downtime of 6.40 percent for Second Quarter and 4.38 percent for Third Quarter. The AQD considers CEMS downtime to be excessive if it is greater than 5 percent of the total source operating time for that quarter.

You should immediately initiate the necessary actions to correct the cited violation. Additionally, please submit a report of your program for compliance by February 4, 2004, which coincides with 14 calendar days from the date of this letter. At a minimum, this report should explain the causes of the violation, remedial action taken, and what steps are being taken to prevent a reoccurrence. If the violation is not resolved by the date of your response, describe what procedures you will implement or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citation, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules, and regulations.

Mr. Bud McCormick  
Page 2  
January 21, 2004

If you have any questions regarding the violation or the actions necessary to bring your facility into compliance, contact Mr. David Thorley, of the Gaylord Field Office, AQD, at 989-705-3409 or you may contact me.

Sincerely,

Jon M. Wilford  
Technical Programs Unit  
Field Operations Section  
Air Quality Division  
517-335-4866

JMW:MSM

cc: Ms. Michele J. Buckler, Cemex, Inc.  
Mr. Farro Assadi, U.S. Environmental Protection Agency, Region 5  
Mr. Gerald Avery, AQD  
Mr. Michael Bray, AQD  
Mr. David Thorley, AQD



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



JENNIFER M. GRANHOLM  
GOVERNOR

STEVEN E. CHESTER  
DIRECTOR

January 14, 2004

CERTIFIED LETTER – 7002-0860-0005-5728-7146

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On January 12, 2004, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received the December 2003 Opacity Excess Emission Reports (EERs). The EERs were reviewed with respect to the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451), the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon reviewing the submitted EERs, the following violations were observed:

Process Description	Permit/Condition Violated	Comments
Opacity exceedances from the Main Stack	40 CFR 63.1343 (b)(2), 40 CFR 63.1350(c)(3), Permit No. 700-77A, Special Condition No. 11. (All cited regulations and permit condition are stated below.)	Opacity exceedances occurred on the main stack for 1392 out of a total of 38886 minutes of operating time, resulting in opacity exceedances for 4% of the total operating time for December 2003.

**40 CFR 63.1343**

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:

(2) Exhibit opacity greater than 20 percent."

**40 CFR 63.1350**

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20

percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A; 40 CFR 63.1343 (b)(2), and 40 CFR 63.1350(c)(3) by January 29, 2004. At a minimum, this report should explain the causes of the violations, the remedial action taken, what steps are being taken to prevent a reoccurrence, and what procedures you are following for kiln and roller mill startup and shutdown. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place. Additionally, this report shall include details of how the emissions from the source were "minimized to the greatest extent possible" during the excess opacity events.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Amarjit (Jeet) S. Gill, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

December 17, 2003

CERTIFIED LETTER – 7003-0500-0005-3999-7377

COPY

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

RECEIVED

DEC 23 2003

SRN: B1559, Charlevoix County

AIR QUALITY DIV.

Dear Mr. McCormick:

LETTER OF VIOLATION

On December 11, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received the November 2003 Opacity Excess Emission Reports (EERs). The EERs were reviewed with respect to the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451), the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon reviewing the submitted EERs, the following violations were observed:

Process Description	Permit/Condition Violated	Comments
Opacity exceedances from the Main Stack	40 CFR 63.1343 (b)(2),  40 CFR 63.1350(c)(3),  Permit No. 700-77A, Special Condition No. 11.  (All cited regulations and permit condition are stated below.)	Opacity exceedances occurred on the main stack for 1842 out of a total of 37512 minutes of operating time, resulting in opacity exceedances for 5% of the total operating time for November 2003.

40 CFR 63.1343

- (b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:  
(2) Exhibit opacity greater than 20 percent."

40 CFR 63.1350

- (c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.  
(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20

percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A; 40 CFR 63.1343 (b)(2), and 40 CFR 63.1350(c)(3) by January 7, 2003. At a minimum, this report should explain the causes of the violations, the remedial action taken, what steps are being taken to prevent a reoccurrence, and what procedures you are following for kiln and roller mill startup and shutdown. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place. Additionally, this report shall include details of how the emissions from the source were "minimized to the greatest extent possible" during the excess opacity events.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

December 8, 2003

CERTIFIED MAIL – 7003-0500-0005-3999-7353

COPIES

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

**RECEIVED**

DEC 09 2003

SRN: B1559, Charlevoix County

AIR QUALITY DIV.

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On December 2, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of the Federal Clean Air Act; Article II, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the administrative rules; the conditions your Air Use Permit to Install Nos. 700-77A, 128-85, 574-85, 61-86, 701-86, 426-97; Consent Judgment No. 96-438-18-CE, and the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry – Subpart LLL (PC MACT). During my inspection I observed the following air pollution violations:

Process Description	Rule/Permit Condition Violated	Comments
Daily visible emission readings that are to be performed on the Finish Mills	40 CFR 63.1350(e) – This is stated below the table.	The required daily visible emission readings on the Finish Mills were not performed on September 29, 2003; October 1, 2, 19, 20; 2003, November 12, 16, 21, 28, 2003.  Note that daily visible emissions were not performed on September 2, 6, 21, 24, 2003, however, these violations were included in an October 20, 2003 violation letter);

North Conditioning Tower (NCT)	Rule 370 – Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air.	<p>The NCT is designed to contain collected air contaminants, and they were being allowed to be reintroduced into the outer air.</p> <p>The area in front of the new NCT enclosure was covered with about 3-6 inches of CKD and there was a small pile of CKD in front of the enclosure.</p> <p>Additionally, there was a large CKD pile in the old NCT enclosure. The old enclosure had no doors on it and the part of the pile was outside of the enclosure. Also, the area in front of the old enclosure had CKD around it and a pile of CKD was placed next to the fuel storage tank enclosure. None of the CKD had been wetted down to try to prevent air emissions.</p>
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**40 CFR 63.1350(e):**

"The owner or operator of a raw mill or finish mill shall monitor opacity by conducting daily visible emission observations of the mill sweep and air separator PMCDs of these affected sources, in accordance with the procedures of Method 22 of Appendix A of part 60 of this chapter. The Method 22 test shall be conducted while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day. The duration of the Method 22 test shall be six minutes...."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rule 370 and 40 CFR 63.1350(e) by December 22, 2003. At a minimum, this report should explain the causes and duration of the violations, whether the violations are ongoing, remedial action taken, and what steps are being taken to prevent a reoccurrence. If the violations are not resolved by the date of your response, describe what equipment you



December 8, 2003

will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD

Dept. of A  
**DEQ**  
**RECEIVED**  
STEVEN E. CHESTER  
DIRECTOR  
APR 27 2006

October 20, 2003

CERTIFIED MAIL – 7002-0860-0005-5728-7085

NATURAL RESOURCES  
DIVISION  
**FILE**

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On August 5, 2003, September 10, 2003 and October 3, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), respectively received the July 2003, August 2003, and September 2003, Opacity Excess Emission Reports (EERs). The purpose of this inspection was to determine your facility's compliance with the requirements of the Federal Clean Air Act; Article II, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon review of the submitted EERs, the following violations were observed:

Process Description	Rule/Permit Condition Violated	Comments
Opacity exceedances from Main Stack for July 2003	40 CFR 63.1343 (b)(2); 40 CFR 63.1350(c)(3); Permit No. 700-77A, Special Condition No. 11.	Opacity exceedances occurred on the main stack for 1434 minutes out of 37554 minutes of total operating time, resulting in opacity exceedances for 3.82% of the total operating time for July 2003
Opacity exceedances from Main Stack for August 2003	40 CFR 63.1343 (b)(2); 40 CFR 63.1350(c)(3); Permit No. 700-77A, Special Condition No. 11.	Opacity exceedances occurred on the main stack for 1464 minutes out of 38250 minutes of total operating time, resulting in opacity exceedances for

		3.83% of the total operating time for August 2003
Opacity exceedances from Main Stack for September 2003	40 CFR 63.1343 (b)(2); 40 CFR 63.1350(c)(3); Permit No. 700-77A, Special Condition No. 11.	Opacity exceedances occurred on the main stack for 1242 minutes out of 27666 minutes of total operating time, resulting in opacity exceedances for 4.49% of the total operating time for September 2003

## 40 CFR 63.1343

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:

(2) Exhibit opacity greater than 20 percent."

## 40 CFR 63.1350

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A; 40 CFR 63.1343 (b)(2), and 40 CFR 63.1350(c)(3) by November 12, 2003. At a minimum, this report should explain the causes of the violations, and the remedial action taken and what steps are being taken to prevent a reoccurrence. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



JENNIFER M. GRANHOLM  
GOVERNOR

STEVEN E. CHESTER  
DIRECTOR

October 20, 2003

CERTIFIED MAIL – 7002-0860-0005-5728-7078

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On July 31, 2003 the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received your semi-annual report, as required by 40 CFR 63.1354(b)(9); the Portland Cement MACT (PC MACT). Additionally, The AQD conducted inspections of your facility on September 29, 2003 and September 30, 2003. The following table contains the air pollution violations of the PC MACT that were contained in this report and that were found during the inspections.

Process Description	Rule/Permit Condition Violated	Comments
Daily visible emission (VE) readings that are to be performed on the Finish Mills	40 CFR 63.1350(e) – Which is stated below the table:	<p>The required daily visible emission (VE) readings on the Finish Mills were not performed on:</p> <p>January 3, 2003 February 9, 10, 19, 20-22, 2003 March 31, 2003 April 1-3, 14, 2003 May 11-16, 2003 June 20, 22, 23, 30, 2003 July 1, 7, 13, 14, 15, 20, 21, 23, 28, 2003 August 5-7, 22, 2003 September 2, 6, 21, 24, 2003</p> <p>All these missed readings were included in the information covered in the semi-annual compliance certification report or found during the inspection to not have been performed.</p>

Monthly VE observations were not performed. In January 2003 and February 2003, with the exception of a few sources.	40 CFR 63.1350(a)(4)(i) – which is stated below:	<p>In January 2003, no monthly VEs were performed.</p> <p>In February 2003, the only equipment which the monthly VE was performed on while the equipment was in operation were the following: clinker crusher building to M-3 tunnel; #3 finish mill clinker feeder #1 dust collector; and #3 finish mill clinker feeder #2 dust collector.</p> <p>The plant shut down on February 24, 2003 for annual maintenance and the rest of the required VEs for February were not conducted until after the shutdown.</p>
Monthly VEs were performed on equipment that was not operating or the equipment was not operating the one day that the monthly VEs were being performed and therefore was not done as required.	40 CFR 63.1350(a)(4)(i) – which is stated below.	See the list below for the equipment that was not properly tested.

**40 CFR 63.1350(e):**

"The owner or operator of a raw mill or finish mill shall monitor opacity by conducting daily visible emission observations of the mill sweep and air separator PMCDs of these affected sources, in accordance with the procedures of Method 22 of appendix A of part 60 of this chapter. The Method 22 test shall be conducted while the affected source is operating at the highest load or capacity level reasonably expected to occur within the day. The duration of the Method 22 test shall be six minutes...."

**40 CFR 63.1350(a)(4)(i):**

"The owner or operator must conduct a monthly 1-minute visible emission test of each affected source in accordance with Method 22 of Appendix A to part 60 of this chapter. The test must be conducted while the affected source is in operation."

**Equipment not in operation when VE testing was conducted (last violation above)**

**March 2003:** The equipment listed below was not being operated during the time that the VEs were performed (VEs performed on the last day of March (3/31)):

- Fly ash tanks;
- Clinker Crusher Bldg to M-3 Tunnel,
- Clinker reclaim Tunnel Dust collector (DC),

- #2 Finish Mill Clinker Feeder #1 DC
- #2 Finish Mill Clinker Feeder #2 DC
- #3 Finish Mill Clinker Feeder #1 DC
- #3 Finish Mill Clinker Feeder #2 DC
- #1 top of old silo DC
- #3 top of old silo DC

**April 2003:** The equipment listed below was not being operated during the time that the VEs were performed (VEs performed on April 25, 2003):

- 501 Belt
- Conveyor (M-557) to M-558 elevator
- 2<sup>nd</sup> floor preheater tower DC (kiln feed elevator)
- #1 Finish Mill Clinker Feeder #1 DC
- #1 Finish Mill Clinker Feeder #2 DC
- Bucket elevator new silos DC
- Top of cement storage dome DC
- Collector below silos #1-6 [east silo door]
- Collector below silos #1-6 [west silo door]
- North Conditioning Tower
- Dome #1
- Dome #2
- Clinker Dome DC
- Clinker crusher bldg to M-3 tunnel

**May 2003:** The equipment listed below was not being operated during the time that the VEs were performed (VEs performed on May 27 & 31, 2003):

- #1 Finish Mill Clinker Feeder #1 DC
- #1 Finish Mill Clinker Feeder #2 DC
- #3 top of old silos DC
- Top of cement storage dome DC
- Collector below silos #1-6 [east silo door]
- Collector below silos #1-6 [west silo door]
- 315 Belt
- Clinker ladders\*
- Dome #1
- Dome #2
- Clinker Dome DC
- Clinker crusher bldg to M-3 Tunnel
- Clinker reclaim Tunnel DC
- Clinker transfer house DC

**June 2003:** The equipment listed below was not being operated during the time that the VEs were performed (VEs performed on June 16, 2003):

- Clinker ladders\* (VE record stated that the area no longer existed)

- Dome #2
- Clinker dome DC
- Clinker transfer house DC
- #3 Finish Mill Clinker Feeder #1 DC
- #3 top of old silos DC
- Top of cement storage dome DC
- Collector below silos #1-6 [east silo door]
- Collector below silos #1-6 [west silo door]

**July 2003:** The equipment listed below was not being operated during the time that the VEs were performed (VEs performed on July 16, 2003):

- Clinker ladders\*
- GBed clinker dust discharge chutes\*
- Dome #1
- Dome #2
- Clinker reclaim DC
- #3 top of old silo DC

\*The Clinker ladders and GBed clinker dust discharge chutes only operate when there is a malfunction of the proper operated equipment.

**August 2003:** The equipment listed below was not being operated during the time that the VEs were performed (various testing dates were performed in an effort to try and get most of the equipment tested while it was operating):

- 315 Belt
- north conditioning tower (no results reported – unknown if it was operating or if it was in compliance)
- clinker crusher bldg to M-3 tunnel
- clinker reclaim tunnel DC
- #3 top of old silos dust collector

**September 2003:** The equipment listed below was not being operated during the time that the VEs were performed (VEs performed on September 11, 2003):

- #3 top of old silos dust collector
- top of new silos NW DC
- Dome #1
- Dome #2
- Clinker Dome DC

These items that were not tested during the monthly tests are in violation of the MACT. Specifically, 63.1350(a)(4)(i), which states, "The owner or operator must conduct a monthly 1-minute visible emission test of each affected source in accordance with Method 22 of Appendix A to part 60 of this chapter. The test must be conducted while the affected source is in operation."



Records at the facility show that most of the equipment operated at least once per month.

If it can be proven that the equipment did not operate at any time during the month in which VEs were not performed, then that equipment will not be considered to have been in violation for not having the required VEs performed on it.

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with 40 CFR 63.1350(a)(4)(i) and 63.1350(e) that will be received by the AQD by November 7, 2003. At a minimum, this report should explain the causes and duration of the violations, whether the violations are ongoing, remedial action taken, and what steps are being taken to prevent a reoccurrence. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

In addition to the compliance program, the AQD requests the company submit the following records. There were several days in which the daily readings were not performed on the finish mills because the note stated that they were down. If a finish mill was down for the entire day, then this is acceptable. However, if the mill was only down during the time of the test and then operated later that day, it is not acceptable and will be considered a violation. The days in question are listed in the first violation cited above. The AQD requests records that will show whether the finish mill was indeed down the entire day.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD

JENNIFER M. GRANHOLM  
GOVERNOR



STEVEN E. CHESTER  
DIRECTOR

October 17, 2003

CERTIFIED MAIL – 7003-0500-0005-3999-7278

**FILE**

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P.O. Box 367  
Charlevoix, Michigan 49720

SRN: B1559, Charlevoix County

Dear Mr. McCormick

**LETTER OF VIOLATION**

On July 31, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received your semi-annual report, as required by 40 CFR 63.1354(b)(9); the Portland Cement MACT (PC MACT). The following table contains one of the air pollution violations of the PC MACT that were contained in this report.

Process Description	Rule/Permit Condition Violated	Comments
Temperatures limits based upon the dioxins and furans (D/F) testing were exceeded.	40 CFR 63.1344(a) & 40 CFR 63.1344(b), which are stated below the table.	The temperature limits for the exhaust of the D/F limits on Main Stack were exceeded 6.12% of the operating time during January through June 2003.

**40 CFR 63.1344(a):**

"The owner or operator to a D/F emission limitation under §63.1343 must operate the kiln particulate matter control device (PMCD)... does not exceed the applicable temperature limit specified in paragraph (b) of this section. The owner or operator of an inline kiln/raw mill subject to a D/F emission limitation under §63.1343 must operate the in-line kiln/raw mill such that:

- (1) When the raw mill of the inline kiln/raw mill is operating , the applicable temperature limit for the main inline kiln/raw mill exhaust, specified in paragraph (b) of this section established during the performance test when the raw mill was operating is not exceeded.
- (2) When the raw mill of the inline kiln/raw mill is not operating, the applicable temperature limit for the main inline kiln/raw mill exhaust, specified in paragraph

(b) of this section and established during the performance test when the raw mill was not operating, is not exceeded."

**40 CFR 63.1344(b):**

"The temperature limit for affected sources meeting the limits of paragraph (a) of this section or paragraphs (a)(1) through (a)(3) of this section is determined in accordance with §63.1349(b)(3)(iv)."

You should immediately initiate necessary actions to correct the cited violation. Additionally, please submit a report of your program for compliance with 40 CFR 63.1344(a) & 40 CFR 63.1344(b) by November 6, 2003. At a minimum, this report should explain the causes and duration of the violation, whether the violation is ongoing, remedial action taken, and what steps are being taken to prevent a reoccurrence. If the violation is not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violation or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Hess, Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, Cadillac District Supervisor, DEQ



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

July 15, 2003

CERTIFIED LETTER – 7002-0860-0005-5728-6934

Mr. Bud McCormick, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

COPY

SRN: B1559, Charlevoix County

Dear Mr. McCormick:

**LETTER OF VIOLATION**

On July 11, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received the June 2003 Opacity Excess Emission Reports (EERs). The EERs were reviewed in respect to the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451), the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon reviewing the submitted EERs, the following violations were observed:

Process Description	Permit/Condition Violated	Comments
Opacity exceedances from the Main Stack	40 CFR 63.1343 (b)(2), 40 CFR 63.1350(c)(3), Permit No. 700-77A, Special Condition No. 11.  (All cited regulations and permit condition are stated below.)	Opacity exceedances occurred on the main stack for 1596 out of a total of 31362 minutes of total operating time, resulting in opacity exceedances for 5% of the total operating time for June 2003.

**40 CFR 63.1343**

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:

(2) Exhibit opacity greater than 20 percent."

**40 CFR 63.1350**

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A; 40 CFR 63.1343 (b)(2), and 40 CFR 63.1350(c)(3) by August 5, 2003. At a minimum, this report should explain the causes of the violations, the remedial action taken and what steps are being taken to prevent a reoccurrence. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Shanley, Acting Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

June 2, 2003

Ms. Michele J. Buckler  
Environmental Manager  
Cemex, Inc.  
16000 Bells Bay Road  
Charlevoix, Michigan 49720

SRN: B1559

**LETTER OF VIOLATION**

Dear Ms. Buckler:

SUBJECT: April 2003 Excess Emission Monitoring Report

In a review of the April 2003 excess emission and summary reports it has been noted that the continuous opacity monitoring system (COMS), servicing your main stack, experienced poor monitor availability. The Air Quality Division (AQD) Permit Number 700-77A, requires Cemex to monitor and record the opacity on a continuous basis in a manner and with instrumentation acceptable to the AQD. In addition, Consent Order AQD No. 4-1994, Revised 4/30/98, specifically states; "The percent COMS downtime shall not be greater than five percent (5%)." During the month of April 2003, Cemex Inc. reported the main stack COMS downtime to be 11 percent of the total source operating time.

You should immediately initiate necessary actions to correct the cited violation(s). Additionally, please submit a report of your program for compliance by June 17, 2003, which coincides with 14 calendar days from the date of this letter. At a minimum, this report should explain the causes of the violation(s), remedial action taken and what steps are being taken to prevent a reoccurrence. If the violation(s) are not resolved by the date of your response, describe what procedures you will implement or other actions you will take and by what dates these actions will take place.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Ms. Michele Buckler  
Page 2  
May 2, 2003

If you have any questions regarding the violation or the actions necessary to bring your facility into compliance contact myself or Mr. Dave Thorley of the Gaylord District Office.

Sincerely,

*J*

Jon M. Wilford  
Field Operations Section  
Air Quality Division  
(517) 335-4866

cc: Mr. Gerald Avery, Field Operation, AQD  
Mr. Tom Shanley, Enforcement Unit, AQD  
Mr. Dave Thorley, Gaylord District Office, AQD



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

May 12, 2003

CERTIFIED MAIL – 7002-0860-0005-5727-6386

Mr. Rogelio Leonardo, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear Mr. Leonardo:

SUBJECT: SRN: B1559, Charlevoix County

LETTER OF VIOLATION

On April 29, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an off-site inspection of your facility located at 16000 Bells Bay Road, Charlevoix, Michigan. The purpose of this inspection was to determine your facility's compliance with the requirements of the Federal Clean Air Act, Article II, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). During my inspection I observed the following air pollution violation(s):

Process Description	Rule/Permit Condition Violated	Comments
Opacity exceedances from the Main Stack	40 CFR 63.1343 (b)(2), 40 CFR 63.1350(c)(3), Permit No. 700-77A, Special Condition No. 11. Rule 301(1) (All cited regulations and permit condition are stated below.)	Method 9, visible emission readings resulted in opacities of 32.1%, 45.4%, 38.3%, 34.6%, and 36.3%.  Enclosed is a copy of the instantaneous and six-minute average readings taken at your company.



## 40 CFR 63.1343

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these affected sources any gases which:

(1) Exceeds opacity greater than 20 percent.

## 40 CFR 63.1350

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

## Rule 301(1)

"... a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than the most stringent of the following:

(a) A 6-minute average of 20% opacity, except for 1 6-minute average per hour of not more than 27% opacity.

(b) A limit specified in an applicable federal new source performance standard.

(c) A limit specified as a condition of a permit to install or permit to operate."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with Rule 301, your Permit to Install No. 700-77A, and the Portland Cement MACT by May 29, 2003. At a minimum, this report should explain the causes of the violations, remedial action taken what steps are being taken to prevent a reoccurrence, and the duration of the violations including whether the violations are ongoing. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be aware that state and federal air pollution regulations prohibit your company from obtaining any new air use permits for major offset sources located in Michigan until the

cited violations are corrected or until you have entered into a legally enforceable order or judgment specifying an acceptable program and schedule for compliance.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt:daa  
Enclosure

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Shanley, Acting Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

March 24, 2003

RECEIVED

MAR 25 2003

AIR QUALITY DIV.

CERTIFIED LETTER - 7002-0860-0005-5728-6446  
RETURN RECEIPT REQUESTED

Mr. Rogelio Leonardo, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

COPY

Dear Mr. Leonardo:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

On March 7, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received the February 2003 Opacity Excess Emission Reports (EERs). The EERs were reviewed in respect to the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 - 63.1358). Upon reviewing the submitted EERs, the following violations were observed:

Process Description	Permit/Condition Violated	Comments
Opacity exceedances from the Bypass and Main Stack	40 CFR 63.1343 (b)(2), 40 CFR 63.1350(c)(3), Permit No. 700-77A, Special Condition No. 11.  (All cited regulations and permit condition are stated below.)	Opacity exceedances occurred on the bypass stack for 1398 out of a total of 25566 minutes of total operating time, resulting in opacity exceedances for 5.46% of the total operating time for February 2003.  Opacity exceedances occurred on the main stack for 1140 out of a total of 25566 minutes of total operating time, resulting in opacity exceedances for

		4.46% of the total operating time for February 2003.
--	--	------------------------------------------------------------

## 40 CFR 63.1343

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:

(2) Exhibit opacity greater than 20 percent."

## 40 CFR 63.1350

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A; 40 CFR 63.1343 (b)(2), and 40 CFR 63.1350(c)(3) by April 14, 2003. At a minimum, this report should explain the causes of the violations, and the remedial action taken and what steps are being taken to prevent a reoccurrence. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Shanley, Acting Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GAYLORD



STEVEN E. CHESTER  
DIRECTOR

March 6, 2003

CERTIFIED LETTER – 7002-0860-0005-5728-6354  
RETURN RECEIPT REQUESTED

COPY

Mr. Rogelio Leonardo, Plant Manager  
CEMEX, Inc.  
16000 Bells Bay Road  
P. O. Box 367  
Charlevoix, Michigan 49720

Dear Mr. Leonardo:

SUBJECT: SRN: B1559, Charlevoix County

**LETTER OF VIOLATION**

On February 11, 2003, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received the January 2003 Opacity Excess Emission Reports (EERs). The EERs were reviewed in respect to the requirements of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451) and the administrative rules; the conditions in your Air Use Permit to Install No. 700-77A; and the Portland Cement MACT, Subpart LLL (40 CFR 63.1340 – 63.1358). Upon reviewing the submitted EERs, the following violations were observed:

Process Description	Permit/Condition Violated	Comments
Opacity exceedances from the Main Stack	40 CFR 63.1343 (b)(2), 40 CFR 63.1350(c)(3), Permit No. 700-77A, Special Condition No. 11.  (All cited regulations and permit condition are stated below.)	Opacity exceedances occurred for 2028 out of a total of 37902 minutes of total operating time, resulting in opacity exceedances for 5% of the total operating time for January 2003.

**40 CFR 63.1343**

(b) "No owner ... of an existing in-line kiln/raw mill at a facility that is a major source subject to the provisions of this subpart shall cause to be discharged into the atmosphere from these effected sources, any gases which:

(2) Exhibit opacity greater than 20 percent."

## 40 CFR 63.1350

(c) "The owner or operator of a kiln or inline kiln/raw mill shall monitor opacity at each point where emissions are vented from these affected sources including the alkali bypasses in accordance with paragraphs (c)(1) through (c)(3) of this section.

(3) To remain in compliance, the opacity must be maintained such that the 6-minute average opacity for any 6-minute block period does not exceed 20 percent. If the average opacity for any 6-minute period exceeds 20 percent, this shall constitute a violation of the standard."

Permit No. 700-77A, Special Condition No. 11,

"Visible emissions from the cement kiln and preheater shall not exceed 20% opacity..."

You should immediately initiate necessary actions to correct the cited violations. Additionally, please submit a report of your program for compliance with your Permit No. 700-77A; 40 CFR 63.1343 (b)(2), and 40 CFR 63.1350(c)(3) by March 27. At a minimum, this report should explain the causes of the violations, and the remedial action taken and what steps are being taken to prevent a reoccurrence. If the violations are not resolved by the date of your response, describe what equipment you will install, procedures you will implement, processes or process equipment you will shut down, or other actions you will take and by what dates these actions will take place.

Be advised that applicable air use permits must be obtained prior to installation and operation of unpermitted process or control equipment.

Notwithstanding your response to the preceding citations, the AQD may initiate further enforcement action to address violations of state and federal Air Acts, rules and regulations.

If you have any questions regarding the violations or the actions necessary to bring your facility into compliance, please call me at the number listed below.

Sincerely,

David G. Thorley  
Environmental Engineer  
Air Quality Division  
989-705-3409

dgt/daa

cc: Mr. Daniel W. Heintz, CEMEX, Inc.  
Ms. Michele Buckler, CEMEX, Inc.  
Mr. Rich Leneave, CEMEX, Inc.  
Mr. Farro Assadi, United States Environmental Protection Agency, Region V  
Mr. Gerald Avery, Field Operations Supervisor, DEQ  
Mr. Thomas Shanley, Acting Enforcement Unit Supervisor, DEQ  
Ms. Janis Denman, District Supervisor, DEQ

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION**

February 9, 2006

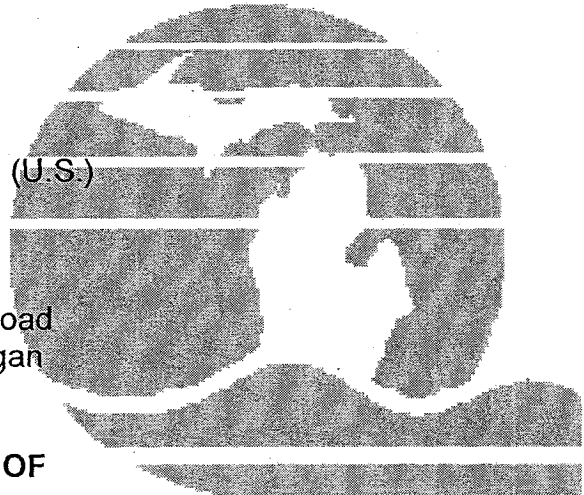
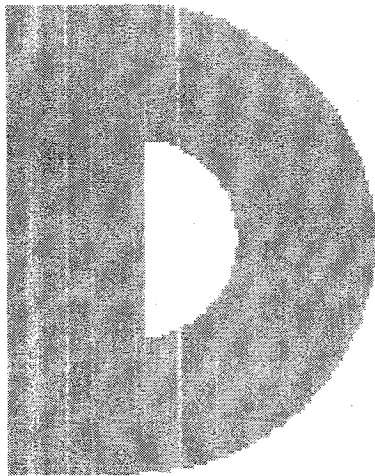
**PERMIT TO INSTALL**

700-77G

**ISSUED TO**  
St Marys Cement Inc. (U.S.)

**LOCATED AT**  
16000 Bells Bay Road  
Charlevoix, Michigan

**IN THE COUNTY OF**  
Charlevoix



**STATE REGISTRATION NUMBER**  
B1559

The Air Quality Division has approved this Permit to Install, pursuant to the delegation of authority from the Michigan Department of Environmental Quality. This permit is hereby issued in accordance with and subject to Section 5505(1) of Article II, Chapter I, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Pursuant to Air Pollution Control Rule 336.1201(1), this permit constitutes the permittee's authority to install the identified emission unit(s) in accordance with all administrative rules of the Department and the attached conditions. Operation of the emission unit(s) identified in this Permit to Install is allowed pursuant to Rule 336.1201(6).

DATE OF RECEIPT OF ALL INFORMATION REQUIRED BY RULE 203: <b>January 29, 2006</b>	
DATE PERMIT TO INSTALL APPROVED: <b>February 9, 2006</b>	SIGNATURE:
DATE PERMIT VOIDED:	SIGNATURE:
DATE PERMIT REVOKED:	SIGNATURE:



## PERMIT TO INSTALL

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**Common Abbreviations / Acronyms**

Common Acronyms		Pollutant/Measurement Abbreviations	
AQD	Air Quality Division	Btu	British Thermal Unit
ANSI	American National Standards Institute	°C	Degrees Celsius
BACT	Best Available Control Technology	CO	Carbon Monoxide
CAA	Clean Air Act	dscf	Dry standard cubic foot
CEM	Continuous Emission Monitoring	dscm	Dry standard cubic meter
CFR	Code of Federal Regulations	°F	Degrees Fahrenheit
COM	Continuous Opacity Monitoring	gr	Grains
EPA	Environmental Protection Agency	Hg	Mercury
EU	Emission Unit	hr	Hour
FG	Flexible Group	H <sub>2</sub> S	Hydrogen Sulfide
GACS	Gallon of Applied Coating Solids	hp	Horsepower
GC	General Condition	lb	Pound
HAP	Hazardous Air Pollutant	m	Meter
HVLP	High Volume Low Pressure *	mg	Milligram
ID	Identification	mm	Millimeter
LAER	Lowest Achievable Emission Rate	MM	Million
MACT	Maximum Achievable Control Technology	MW	Megawatts
MAERS	Michigan Air Emissions Reporting System	NO <sub>x</sub>	Oxides of Nitrogen
MAP	Malfunction Abatement Plan	PM	Particulate Matter
MDEQ	Michigan Department of Environmental Quality	PM-10	Particulate Matter less than 10 microns diameter
MIOSHA	Michigan Occupational Safety & Health Administration	pph	Pound per hour
MSDS	Material Safety Data Sheet	ppm	Parts per million
NESHAP	National Emission Standard for Hazardous Air Pollutants	ppmv	Parts per million by volume
NSPS	New Source Performance Standards	ppmw	Parts per million by weight
NSR	New Source Review	psia	Pounds per square inch absolute
PS	Performance Specification	psig	Pounds per square inch gauge
PSD	Prevention of Significant Deterioration	scf	Standard cubic feet
PTE	Permanent Total Enclosure	sec	Seconds
PTI	Permit to Install	SO <sub>2</sub>	Sulfur Dioxide
RACT	Reasonable Available Control Technology	THC	Total Hydrocarbons
ROP	Renewable Operating Permit	tpy	Tons per year
SC	Special Condition Number	µg	Microgram
SCR	Selective Catalytic Reduction	VOC	Volatile Organic Compounds
SRN	State Registration Number	yr	Year
TAC	Toxic Air Contaminant		
VE	Visible Emissions		
D/F	Polychlorinated Dibenzo-p-dioxins and Polychlorinated Dibenzofurans from Stationary sources.		

\* For High Volume Low Pressure (HVLP) applicators, the pressure measured at the HVLP gun air cap shall not exceed ten (10) pounds per square inch gauge (psig).

### GENERAL CONDITIONS

1. The process or process equipment covered by this permit shall not be reconstructed, relocated, or modified, unless a Permit to Install authorizing such action is issued by the Department, except to the extent such action is exempt from the Permit to Install requirements by any applicable rule. **[R336.1201(1)]**
2. If the installation, construction, reconstruction, relocation, or modification of the equipment for which this permit has been approved has not commenced within 18 months, or has been interrupted for 18 months, this permit shall become void unless otherwise authorized by the Department. Furthermore, the permittee or the designated authorized agent shall notify the Department via the Supervisor, Permit Section, Air Quality Division, Michigan Department of Environmental Quality, P.O. Box 30260, Lansing, Michigan 48909, if it is decided not to pursue the installation, construction, reconstruction, relocation, or modification of the equipment allowed by this Permit to Install. **[R336.1201(4)]**
3. If this Permit to Install is issued for a process or process equipment located at a stationary source that is not subject to the Renewable Operating Permit program requirements pursuant to R336.1210, operation of the process or process equipment is allowed by this permit if the equipment performs in accordance with the terms and conditions of this Permit to Install. **[R336.1201(6)(b)]**
4. The Department may, after notice and opportunity for a hearing, revoke this Permit to Install if evidence indicates the process or process equipment is not performing in accordance with the terms and conditions of this permit or is violating the Department's rules or the Clean Air Act. **[R336.1201(8), Section 5510 of Act 451, PA 1994]**
5. The terms and conditions of this Permit to Install shall apply to any person or legal entity that now or hereafter owns or operates the process or process equipment at the location authorized by this Permit to Install. If the new owner or operator submits a written request to the Department pursuant to R336.1219 and the Department approves the request, this permit will be amended to reflect the change of ownership or operational control. The request must include all of the information required by subrules (1)(a), (b), and (c) of R336.1219. The written request shall be sent to the District Supervisor, Air Quality Division, Michigan Department of Environmental Quality. **[R336.1219]**
6. Operation of this equipment shall not result in the emission of an air contaminant which causes injurious effects to human health or safety, animal life, plant life of significant economic value, or property, or which causes unreasonable interference with the comfortable enjoyment of life and property. **[R336.1901]**
7. The permittee shall provide notice of an abnormal condition, start-up, shutdown, or malfunction that results in emissions of a hazardous or toxic air pollutant which continue for more than one hour in excess of any applicable standard or limitation, or emissions of any air contaminant continuing for more than two hours in excess of an applicable standard or limitation, as required in Rule 912, to the Department. The notice shall be provided not later than two business days after start-up, shutdown, or discovery of the abnormal condition or malfunction. Written reports, if required, must be filed with the Department within 10 days after the start-up or shutdown occurred, within 10 days after the abnormal conditions or malfunction has been corrected, or within 30 days of discovery of the abnormal condition or malfunction, whichever is first. The written reports shall include all of the information required in Rule 912(5). **[R336.1912]**
8. Approval of this permit does not exempt the permittee from complying with any future applicable requirements which may be promulgated under Part 55 of 1994 PA 451, as amended or the Federal Clean Air Act.

9. Approval of this permit does not obviate the necessity of obtaining such permits or approvals from other units of government as required by law.
10. Operation of this equipment may be subject to other requirements of Part 55 of 1994 PA 451, as amended and the rules promulgated thereunder.
11. Except as provided in subrules (2) and (3) or unless the special conditions of the Permit to Install include an alternate opacity limit established pursuant to subrule (4) of R336.1301, the permittee shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of density greater than the most stringent of the following. The grading of visible emissions shall be determined in accordance with R336.1303. **[R336.1301]**
  - a) A six-minute average of 20 percent opacity, except for one six-minute average per hour of not more than 27 percent opacity.
  - b) A visible emission limit specified by an applicable federal new source performance standard.
  - c) A visible emission limit specified as a condition of this permit to install.
12. Collected air contaminants shall be removed as necessary to maintain the equipment at the required operating efficiency. The collection and disposal of air contaminants shall be performed in a manner so as to minimize the introduction of contaminants to the outer air. Transport of collected air contaminants in Priority I and II areas requires the use of material handling methods specified in R336.1370(2). **[R336.1370]**
13. The Department may require the permittee to conduct acceptable performance tests, at the permittee's expense, in accordance with R336.2001 and R336.2003, under any of the conditions listed in R336.2001. **[R336.2001]**

## SPECIAL CONDITIONS

### Emission Unit Identification

Emission Unit ID	Emission Unit Description	Stack Identification
EUPRIMARYCRUSH	Represents equipment associated with primary crushing and conveying of material out of the quarry. This emission unit includes: the primary crusher, and 3000 pounds of force per hammer cycle primary crusher rock breaker.	NA
EUKILN	Represents the Precalciner, in-line kiln and equipment associated with the treatment of exhaust gases. The emission unit includes: the Precalciner, the rotary in-line kiln, the north conditioning tower, south conditioning tower, the Western (bypass) precipitator, main stack baghouse with associated material handling fabric filter that controls collected dust from the main stack baghouse material handling transfer points, off-spec raw material entrance to the in-line kiln and indirect firing system (IDF).	SVMAIN, SVBYPASS
EURAWMILLS	Represents equipment associated with the grinding and blending of raw materials. The emission unit includes: storage and handling equipment, weigh feeder, raw mill elevator to 501 belt, raw mill elevator dust collector, 501 belt, blending silo, blending silo dust collector, blending airslides, dynamic classifier, raw mill, and main stack baghouse with associated material handling fabric filter that controls collected dust from the main stack baghouse material handling transfer points.	SVMAIN
EUCLINKERCOOL	Represents equipment associated with the cooling of clinker and the treatment of the cooler gases. The emission unit includes: clinker cooler, gravity cooler, gravity cooler dust collector, clinker heat exchanger, and heat exchanger transporter pods.	NA
EUCLINKERHAND	Represents equipment associated with the handling of clinker into and out of the cooler. The emission unit includes: gravel bed clinker dust bucket elevator, clinker cooler outlet pan conveyor/elevator dust collector, clinker cooler almund elevators, clinker conveyor belt 89, enclosed clinker drags, M3 belt conveyor and reclaim system, clinker heat exchanger, clinker ladder, clinker silos, clinker handling belts, and heat exchanger transporter pods.	NA
EUFINISHMILL1	Represents Finish Mill No. 1 and storage and handling equipment associated with it. The emission unit includes: #1 Finish Mill Clinker Feeder with dust collector (M161B), #1 Finish Mill Clinker Feeder with dust collector (M163B), gypsum silo 23, fringe silo 24, #1 Finish Mill with dust collector.	SVFINISHMILL1

Emission Unit ID	Emission Unit Description	Stack Identification
EUFINISHMILL2	Represents Finish Mill No. 2 and storage and handling equipment associated with it. The emission unit includes: #2 Finish Mill Clinker Feeder with dust collector (M194B), #2 Finish Mill Clinker Feeder with dust collector (M196B), gypsum silo 25, #2 Finish Mill with dust collector.	SVFINISHMILL2
EUFINISHMILL3	Represents Finish Mill No. 3 and storage and handling equipment associated with it. The emission unit includes: #3 Finish Mill Clinker Feeder with dust collector (M063B), #3 Finish Mill Clinker Feeder with dust collector (M067B), gypsum silo 21, fringe silo 22, limestone silo 18, #3 Finish Mill with dust collector.	SVFINISHMILL3
EUCEMENTHAND&STOR	Represents equipment associated with handling and storage of cement. The emission unit includes: cement pneumatic conveyors; silos #1 through #12; airslides #1 through #12; #1 top of old silos dust collector; #2 top of old silos dust collector; #3 top of old silos dust collector; bucket elevator from new to old silos with dust collector; cement silos #26, #27, #28, #29, #6A; top of new silos SE dust collector; top of new silos NW dust collector, airslide below silos #1 through #6; dust collectors below silos #1 through #6; storage dome; storage dome dust collector; truck loading; truck loading dust collector.	NA
EURAWMATANDSTOR	Raw material loading, unloading and raw material transfer, including the material handling equipment that takes a feed into the kiln feed shelf. Also contains spill conveyors under the bottom ash feeder.	NA
Changes to the equipment described in this table are subject to the requirements of R336.1201, except as allowed by R336.1278 to R336.1290.		

#### Flexible Group Identification

Flexible Group ID	Emission Units Included in Flexible Group	Stack Identification
FGKILNRAWMILLS	EUKILN, EURAWMILLS	SVMAIN SVBYPASS
FGFINISHMILLS	EUFINISHMILL1, EUFINISHMILL2, EUFINISHMILL3	SVFINISHMILL1 SVFINISHMILL2 SVFINISHMILL3
FGNONKILNFACILITY	Equipment at the facility not included in EUCLINKERCOOL, FGKILNRAWMILLS and FGFINISHMILLS.	NA
FGFACILITY	All process equipment at the facility including equipment covered by other permits, grand-fathered equipment and exempt equipment.	NA

**The following conditions apply to: EUPRIMARYCRUSHER**

**Visible Emission Limits**

- 1.1 Visible emissions from the hammer cycle primary crusher rock breaker of EUPRIMARYCRUSH shall not exceed 15 percent opacity except as specified in the Standards of Performance for New Stationary Sources, 40 CFR Part 60 Subpart OOO. [40 CFR Part 60.672]

**The following conditions apply to: EUKILN**

**Process/Operational Limits**

- 2.1 Permittee shall not produce more than 4,840 tons of clinker per day from EUKILN as determined on a daily basis. [R336.1205]

**Monitoring**

- 2.2 The permittee shall monitor EUKILN to ensure proper operation, by conducting an inspection of the components of the combustion system at least once per year. [40 CFR Part 63.1350(i)]

**The following conditions apply to: EUCLINKERHAND**

**Visible Emission Limits**

- 3.1 Visible emissions from FGCLINKERHAND shall not exceed 10 percent opacity except as specified in the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 63 Subpart LLL. [40 CFR Part 63.1348]

**The following conditions apply to: EURAWMATANDSTOR**

**Visible Emission Limits**

- 4.1 Visible emissions from EURAWMATANDSTOR shall not exceed 10 percent opacity except as specified in the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 63 Subpart LLL. [40 CFR Part 63.1348]

**The following conditions apply to: FGKILNRAWMILLS**

**Emission Limits**

	Pollutant	Equipment	Limit	Time Period	Testing/ Monitoring Method	Applicable Requirement
5.1a	PM	FGKILNRAWMILLS	0.30 lb/ton of dry feed	Test Protocol	Special Conditions 5.6, 5.10, 5.19	40 CFR Part 63.1343(b)(1)
5.1b	SO <sub>2</sub>	FGKILNRAWMILLS	2800 lbs/hour	Hourly	Special Conditions 5.11, 5.20	R336.1201(3) 40 CFR 52.21
5.1c	SO <sub>2</sub>	FGKILNRAWMILLS	550 tons/month	Monthly, as determined at the end of each calendar month	Special Conditions 5.11, 5.20	R336.1201(3) 40 CFR 52.21
5.1d	SO <sub>2</sub>	FGKILNRAWMILLS	4404 tons/year	Monthly, based on a calendar year	Special Conditions 5.11, 5.20	R336.1201(3) 40 CFR 52.21
5.1e	NO <sub>x</sub>	FGKILNRAWMILLS	6.5 lbs/ton of clinker produced	30 day rolling as determined at the end of each calendar month from May 1 through September 30	Special Conditions 5.9, 5.12, 5.15, 5.21	R336.1801(4)(h)
5.1f	NO <sub>x</sub>	FGKILNRAWMILLS	7.67 lbs/ton of clinker produced	30 day rolling as determined at the end of each calendar month from October 1 through April 30	Special Conditions 5.9, 5.12, 5.15, 5.21	R336.1201(3)
5.1g	D/F	FGKILNRAWMILLS	8.7e <sup>-11</sup> gr TEQ/dscf *	Test Protocol	Special Conditions 5.7, 5.13, 5.18	40 CFR Part 63.1343(b)(3)
*Corrected to 7% oxygen.						

**Visible Emission Limits**

- 5.2 Visible emissions from FGKILNRAWMILLS (SVMAIN and SVBYPASS) shall not exceed 20 percent opacity except as specified in the National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 63 Subpart LLL. [40 CFR Part 63.1343(b)(2)]

**Equipment**

- 5.3 The permittee shall install, calibrate, maintain, and continuously operate a continuous opacity monitor (COM) located at the outlet of the control devices to continuously monitor the opacity from FGKILNRAWMILLS. The COM shall be operated in accordance with the procedures set forth in 40 CFR 60.13 and Performance Specification (PS) 1 of Appendix B, 40 CFR Part 60. [40 CFR 63.1350(c)(1) and (j)]



- 5.4 The permittee shall install, calibrate, maintain, and continuously operate a continuous emission rate and monitoring system (CERMS) to record SO<sub>2</sub> emissions from FGKILNRAWMILLS. The CERMS shall be operated in accordance with the procedures set forth in 40 CFR 60.13 and PS 6 of Appendix B, 40 CFR Part 60. [R336.1201(3)]
- 5.5 The permittee shall install, calibrate, maintain, and continuously operate a continuous emission rate and monitoring system (CERMS) to record NO<sub>x</sub> emissions from FGKILNRAWMILLS. The CERMS shall be operated in accordance with the procedures set forth in 40 CFR 60.13 and PS 6 of Appendix B, 40 CFR Part 60. [R336.1201(3), R336.1801]

#### Testing

- 5.6 Within 180 days after startup of SVMAIN Baghouse and annually thereafter, verification of PM emission rates routed to SVMAIN and SVBYPASS, by testing at owner's expense, in accordance with Department requirements will be required. Stack testing procedures and the location of stack testing ports shall be in accordance with federal Reference Methods, 40 CFR Part 60 Appendix A. No less than 30 days prior to the performance specification testing, a complete test plan must be submitted to the AQD. The AQD must approve the final plan prior to testing. Verification of emission rates includes the submittal of a complete report of the test results to the AQD within 60 days following the last date of the test. Upon a written request to, and approval by, the AQD District Supervisor, permittee may reduce the frequency of verification of PM emission rates. [R336.2001, R336.2003, 40 CFR 63.1349(a), (b)(1), and (c)]
- 5.7 Within 180 days after startup of SVMAIN Baghouse and every 30 months thereafter, verification of D/F emission rates routed to SVMAIN and SVBYPASS, by testing at owner's expense, in accordance with Department requirements will be required. No less than 30 days prior to testing, a complete test plan, including monitoring the temperature and establishing a limit from FGKILNRAWMILLS when EURAWMILLS is operating and is not operating, shall be submitted to the AQD. The final plan must be approved by the AQD prior to testing. Verification of emission rates includes the submittal of a complete report of the test results to the AQD within 60 days following the last date of the test. [R336.2001, R336.2003, 40 CFR 63.1349(a), (b)(3), and (d)]

#### Monitoring

- 5.8 The permittee shall monitor the kiln feed rate in tons of dry feed per day through FGKILNRAWMILLS on a daily basis with instrumentation acceptable to the Air Quality Division. The kiln feed production rate is determined from the 557 scale. [R336.1201(3)]
- 5.9 The permittee shall monitor the production rate in tons of clinker produced per day from FGKILNRAWMILLS on a daily basis with instrumentation acceptable to the Air Quality Division. The kiln feed production rate is determined from the 557 scale in conjunction with the equation in Appendix A. [R336.1201(3), R336.1801]
- 5.10 The permittee shall continuously monitor and record visible emissions of the exhaust gases routed through SVMAIN and SVBYPASS with a continuous opacity monitor (COM) located at each SVMAIN and SVBYPASS. The permittee shall maintain a QA/QC program as specified in Method 203 of 40 CFR Part 60 and to comply with the requirements as specified in PS 1, Appendix B of 40 CFR Part 60. No less than 30 days prior to the performance evaluation of the COM system, a complete test plan must be submitted to the AQD. The final test plan must have approval prior to the testing. The permittee shall submit to the AQD, within 60 days of completion, two copies of the final report demonstrating the COM system complies with the requirements of PS 1. [R336.2001, R336.2003, 40 CFR 63.1350(c)(1)]

- 5.11 The permittee shall continuously monitor and record the SO<sub>2</sub> emissions of the exhaust gases routed through SVMMAIN and SVBYPASS with a continuous emission rate monitoring system (CERMS). The permittee shall maintain a QA/QC program as specified in Appendix F of 40 CFR Part 60 and to comply with the requirements as specified in PS 6, Appendix B of 40 CFR Part 60. No less than 30 days prior to the performance evaluation of the CERMS system, a complete test plan must be submitted to the AQD. The final test plan must have approval prior to the testing. The permittee shall submit to the AQD, within 60 days of completion, two copies of the final report demonstrating the CERMS system complies with the requirements of PS 6. [R336.1201(3), R336.2001, R336.2003]
- 5.12 The permittee shall continuously monitor and record the NO<sub>x</sub> emissions of the exhaust gases routed through SVMMAIN and SVBYPASS with a continuous emission rate monitoring system (CERMS). The permittee shall maintain a QA/QC program as specified in Appendix F of 40 CFR Part 60 and to comply with the requirements as specified in PS 6, Appendix B of 40 CFR Part 60. No less than 30 days prior to the performance evaluation of the CERMS, a complete test plan must be submitted to the AQD. The final test plan must have approval prior to the testing. The permittee shall submit to the AQD, within 60 days of completion, two copies of the final report demonstrating the CERMS complies with the requirements of PS 6. [R336.1201(3), R336.1801, R336.2001, R336.2003]
- 5.13 The permittee shall continuously monitor the inlet temperature of the exhaust gases entering each of the main stack baghouse and the bypass stack control device with a continuous temperature monitoring gauge. The temperature shall be no greater than the level established during performance testing as required in Special Condition 5.7. [40 CFR Part 63.1350(f)]

#### **Recordkeeping/Reporting/Notification**

- 5.14 The permittee shall keep records of emissions and operating information to comply with the National Emission Standards for Hazardous Air Pollutants as specified in 40 CFR Part 63 Subparts A and LLL for FGKILNRAWMILLS. All source emissions data and operating information shall be kept on file for a period of at least five years and made available to the Department upon request. [40 CFR 63.1353, 63.1354, and 63.1355]
- 5.15 The permittee shall keep, in a satisfactory manner, the daily production rate in tons of clinker produced for FGKILNRAWMILLS, as required by Special Condition 2.1, which is based on the data obtained from the 557 scale in conjunction with the calculation in Appendix A. These records shall be submitted to the appropriate AQD District Supervisor within 30 days after the end of the calendar month in which the emissions occurred. All records shall be kept on file for a period of at least five years and made available to the Department upon request. [R336.1205]
- 5.16 The permittee shall keep, in a satisfactory manner, daily kiln feed rate records in tons for FGKILNRAWMILLS, as required by Special Condition 5.8, which is based on the data obtained from the 557 scale. All records shall be kept on file for a period of at least five years and made available to the Department upon request. [40 CFR Part 63.1350(1)]
- 5.17 The permittee shall keep, in a satisfactory manner, PM performance test records for FGKILNRAWMILLS as required by Special Condition 5.6. All records shall be kept on file for a period of at least five years and made available to the Department upon request. [R336.1205, 40 CFR Part 63.1355]
- 5.18 The permittee shall keep, in a satisfactory manner, D/F performance test records for FGKILNRAWMILLS, as required by Special Condition 5.7. All records shall be kept on file for a period of at least five years and made available to the Department upon request. [40 CFR Part 63.1355]

- 5.19 The permittee shall keep, in a satisfactory manner, opacity records for FGKILNRAWMILLS. In accordance with 40 CFR 60.7, the permittee shall submit a written excess emission report (EER) and a summary report in an acceptable format to the AQD within 30 days of the end of each calendar month. Upon a written request to, and approval by, the AQD District Supervisor, permittee may reduce or eliminate the frequency of excess emission reporting. All records shall be kept on file for a period of at least five years and made available to the District Supervisor upon request. [40 CFR 63.1355, 63.10(c), 63.10(e)(3)]
- 5.20 The permittee shall keep, in a satisfactory manner, hourly, monthly, and calendar year SO<sub>2</sub> emission records from the SO<sub>2</sub> CERMS for FGKILNRAWMILLS. In accordance with 40 CFR 60.7, the permittee shall submit a written excess emission report (EER) and a summary report in an acceptable format to the AQD within 30 days of the end of each calendar quarter. Upon a written request to, and approval by, the AQD District Supervisor, permittee may reduce or eliminate the frequency of excess emission reporting. All records shall be kept on file for a period of at least five years and made available to the Department upon request. [R336.1201(3)]
- 5.21 The permittee shall keep, in a satisfactory manner, NO<sub>x</sub> emission records in lb/ton from the NO<sub>x</sub> CERMS and clinker produced for FGKILNRAWMILLS. In accordance with 40 CFR 60.7, the permittee shall submit a written excess emission report (EER) and a summary report in an acceptable format to the AQD within 30 days of the end of each calendar quarter. Upon a written request to, and approval by, the AQD District Supervisor, permittee may reduce or eliminate the frequency of excess emission reporting. All records shall be kept on file for a period of at least five years and made available to the Department upon request. [R336.1201(3), R336.1801]
- 5.22 The permittee shall keep, in a satisfactory manner, kiln inlet temperature records for FGKILNRAWMILLS. All records shall be kept on file for a period of at least five years and made available to the Department upon request. [40 CFR 63.1355]

**Stack/Vent Restrictions**

	Stack & Vent ID	Maximum Diameter (inches)	Minimum Height Above Ground Level (feet)	Applicable Requirement
5.23a	SVMAIN	132	323	40 CFR 52.21 (c) and (d)
5.23b	SVBYPASS	78	225	40 CFR 52.21 (c) and (d)
The exhaust gases from SVMAIN and SVBYPASS shall be discharged unobstructed vertically upwards to the ambient air.				

**The following conditions apply to: FGFINISHMILLS**

**Visible Emission Limits**

- 6.1 Visible emissions from FGFINISHMILLS shall not exceed 10 percent opacity. [40 CFR 63.1347]

**Monitoring**

- 6.2 The permittee shall monitor visible emissions and operating information for FGFINISHMILLS. Permittee shall conduct a daily 1-minute visible emissions test of each affected source in accordance with Method 22 of 40 CFR Part 60, Appendix A while the affected source is in operation. [40 CFR 63.1350(e)]

**Recordkeeping/Reporting/Notification**

- 6.3 The permittee shall keep, in a satisfactory manner, visible emission records for FGFINISHMILLS. All records shall be kept on file for a period of at least five years and made available to the Department upon request. [40 CFR Part 63.1355, 63.10(b)(2)(viii)]

**The following conditions apply to: FGNONKILNFACILITY**

**Visible Emission Limits**

- 7.1 Visible emissions from FGNONKILNFACILITY shall not exceed 10 percent opacity, unless otherwise stipulated in another condition in this permit, or in a state or federal rule. [40 CFR 63.1348]

**Monitoring**

- 7.2 The permittee shall monitor visible emissions and operating information for FGNONKILNFACILITY. Permittee shall conduct a monthly 1-minute visible emissions test of each affected source in accordance with Method 22 of 40 CFR Part 60, Appendix A while the affected source is in operation. [40 CFR 63.1350(a)(4), 63.10(b)(2)(viii)]

**Recordkeeping/Reporting/Notification**

- 7.3 The permittee shall keep, in a satisfactory manner, visible emission records for FGNONKILNFACILITY. All records shall be kept on file for a period of at least five years and made available to the Department upon request. [40 CFR Part 63.1355]

**The following conditions apply to: FGFACILITY**

**Process/Operational Limits**

- 8.1 Within 30 days of issuance of this permit, the permittee shall submit to the AQD District Supervisor, for review and approval, a Preventative Maintenance/Malfunction Abatement/Operations and Maintenance Plan (PM/MA/OM Plan) for FGFACILITY. The permittee shall not operate FGFACILITY unless the approved PM/MA/OM Plan, or an alternate plan approved by the AQD District Supervisor, is implemented and maintained. The plan shall include procedures for maintaining and operating in a satisfactory manner, FGFACILITY, add-on air pollution control device, or monitoring equipment during malfunction events, and a program for corrective action for such events. If the plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction at the time the plan is initially developed, the owner or operator shall revise the plan within 45 days after such an event occurs and submit the revised plan to the AQD District Supervisor. [R336.1911, 40 CFR 63.1350(a)]
- 8.2 Within 30 days of issuance of this permit, the permittee shall submit to the AQD District Supervisor, for review and approval, a new Fugitive Dust Plan for FGFACILITY. The permittee shall not operate FGFACILITY unless the approved Fugitive Dust Plan, or an alternate plan approved by the AQD District Supervisor, is implemented and maintained. The plan shall include procedures for maintaining and operating in a satisfactory manner, continuous fugitive emissions control for all plant roadways, the plant yard, all material storage piles, and all material handling operations. If the plan fails to address or inadequately addresses an event at the time the plan is initially developed, the owner or operator shall revise the plan within 45 days after such an event occurs and submit the revised plan to the AQD District Supervisor. [R336.1371, R336.1372]

**Recordkeeping/Reporting/Notification**

- 8.3 The permittee shall keep records of all repairs initiated as a result of inspections pursuant to the Preventative Maintenance/Malfunction Abatement/Operations and Maintenance Plan (PM/MA/OM Plan) for FGFACILITY as required in Special Condition 8.1. All records shall be kept on file for a period of at least five years and made available to the Department upon request. **[R336.1911]**
- 8.4 The permittee shall keep records of all repairs initiated as a result of inspections pursuant to the Fugitive Dust Plan, for FGFACILITY as required in Special Condition 8.2. All records shall be kept on file for a period of at least five years and made available to the Department upon request. **[R336.1371 and R336.1372]**

**APPENDIX A**  
**Method for Determining Clinker Production from Raw Feed Input**

The formula for determining clinker production (CP) is:

$$CP = KF \times CCF$$

Where;

CP = daily clinker production (normalized to short tons per day),

KF = the daily in-line kiln raw material feed rate (normalized to short tons per day), this number is derived from the 557 scale.

CCF = the clinker conversion factor (clinker production rate divided by the raw feed rate), this number is a variable derived from historical periodic checks.

Clinker production determined from raw feed input is dependent on various parameters. The amount of clinker produced from raw feed is site specific based on fuels used and their ash content at the time of use, raw material characteristics such as amount of organic that can be driven off in the process such as shale that would have a higher loss on ignition than slag or bottom ash, and other parameters involved in determining the amount of clinker generated from a given volume of raw materials.

The process of determining the CCF number is as follows:

- 1) A macro change to raw materials being fed to the kiln could trigger a CCF review,
- 2) Clinker production during a given time period would be diverted from the clinker cooler and be sent to outside storage location.
- 3) After the clinker has cooled, it would be sent to an onsite scale to determine the tonnage of clinker produced in a given time period.
- 4) This tonnage of clinker would be compared to the KF for the same period of time to generate the CCF.

The CCF is multiplied by the raw feed rate, on a continuous basis, to determine clinker production for the same time period. This calculation is done by the Kiln controls system and automatically stored therein. The historic site-specific CCF ranges from 0.45 to 0.75. All plant scales are calibrated periodically to assure accuracy.